A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES,

PASSED IN THE

TWENTY-FIRST & TWENTY-SECOND YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

1858.

LEGISLATIVE COUNCIL OF INDIA.
BENGAL SECRETARIAT LIBRARY.

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1858.

INDIA SECRETARIAT LIBRARY

A

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21° & 22° VICTORIA.

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THE

PUBLIC GENERAL STATUTES,

21 VICTORIA.

CAP. I.

An Act to indemnify the Governor and Company of the Bank of *England* in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues for a Time to be limited.

[12th *December* 1857.]

'WHEREAS by the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Thirty-two, "to regulate the Issue of Bank Notes and for "giving to the Governor and Company of the Bank of "*England* certain Privileges for a limited Period," the Governor and Company of the Bank of *England* are prohibited from issuing Bank of *England* Notes either into the Banking Department of the Bank of *England* or to any Persons or Person whatsoever, save in exchange for other Bank of *England* Notes, or for Gold Coin, or for Gold or Silver Bullion received or purchased for the Issue Department of the said Bank under the Provisions of that Act, or in exchange for Securities acquired and taken in the said Issue Department under the Provisions therein contained: And whereas under the said Act and an Order in Council issued under the Provisions thereof the Amount of Securities to be acquired and taken in the said Issue Department stands limited not to exceed the Sum of Fourteen million four hundred and seventy-five thousand Pounds: And whereas by a Letter dated the Twelfth Day of *November* last the First Lord of the Treasury and the Chancellor of the Exchequer informed the Governor and Deputy Governor of the Bank of *England* that Her Majesty's Government had observed with great Concern the serious Consequences which had ensued from the recent Failure of certain Joint Stock Banks in *England* and *Scotland*, as well as of certain large mercantile Firms chiefly connected with the *American* Trade; that the Discredit and Distrust which had resulted from these Events, and the Withdrawal of a large Amount of the Paper Circulation authorized by the existing Bank Acts, appeared to Her Majesty's Government to render it necessary for them to inform the Bank of *England* that if they should

7 & 8 Vict. c. 32.

'be unable in the present Emergency to meet the Demands 'for Discounts and Advances upon approved Securities without 'exceeding the Limits of their Circulation prescribed by the 'Act of One thousand eight hundred and forty-four, the 'Government would be prepared to propose to Parliament 'upon its meeting a Bill of Indemnity for any Excess so 'issued; and that, in order to prevent that temporary Re-'laxation of the Law being extended beyond the actual 'Necessities of the Occasion, Her Majesty's Government were 'of opinion that the Bank Terms of Discount should not be 'reduced below their then present Rate: And whereas the 'Governor and Company of the Bank of *England* have since 'the said Twelfth Day of *November* One thousand eight 'hundred and fifty-seven issued Bank of *England* Notes in 'exchange for Securities acquired and taken in the said Issue 'Department beyond the Amount limited by Law, and it is 'expedient that the Acts of the said Governor and Company 'in relation to the Matters aforesaid should be confirmed, and 'that the Restriction on the Amount of the Securities to be 'acquired and taken in the said Issue Department should be 'suspended for a limited Time:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Issues of Bank of England Notes since 12th Nov. 1857 in excess of those authorized by Law confirmed and made valid.

I. All such Issues of Bank of *England* Notes as may have been made by the said Governor and Company, or by their Order or Direction, since the said Twelfth Day of *November* One thousand eight hundred and fifty-seven, although beyond the Amount authorized by Law, and all Acts necessary for the making of such Issues, and for the acquiring and taking since the said Twelfth Day of *November* One thousand eight hundred and fifty-seven Securities in the Issue Department of the Bank of *England* beyond the Amount authorized by Law, shall be confirmed and made valid; and the said Governor and Company, and all Persons who have been concerned in such Issues or in doing or advising any such Acts as aforesaid, are hereby indemnified and discharged in respect thereof, and all Indictments and Informations, Actions, Suits, Prosecutions, and Proceedings whatsoever commenced or to be commenced against the said Governor and Company or any Person or Persons in relation to the Acts and Matters aforesaid, or any of them, are hereby discharged and made void.

The Restriction on the Amount of Securities to be taken in the Issue Department suspended.

II. So much of the said Act of the Seventh and Eighth Years of Her Majesty as limits the Amount of the Securities to be acquired and taken in the Issue Department of the Bank of *England* shall be and be deemed to have been suspended as from the Twelfth Day of *November* One thousand eight hundred and fifty-seven, and shall continue suspended until the Expiration of Twenty-eight Days after the First Meeting or Sitting of Parliament in the Year One thousand eight hundred and fifty-

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III. Upon or before the Expiration or Cesser of the Suspension aforesaid the Excess of Issues herein-before confirmed shall be reduced to the Amount which would have been authorized by Law if this Act had not been passed; and, subject to the Indemnity and Discharge hereby given, all the Provisions of the said recited Act shall, after such Expiration or Cesser, be and remain in full Force.

The Issues in excess to be reduced on or before the Expiration of the Suspension.

CAP. II.

An Act to settle Annuities on Lady *Havelock* and Sir *Henry Marshman Havelock*, in consideration of the eminent Services of the late Major General *Havelock*. [22d *March* 1858.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the 'Commons of the United Kingdom of *Great Britain* 'and *Ireland*, in Parliament assembled, duly considering the 'Approbation graciously signified by Your Majesty of the 'eminent and distinguished Services rendered by the late 'Major General *Havelock*, in Command of a Body of *British* 'and Native Troops in *India*, and particularly in the gallant 'and successful Operations undertaken for the Relief of the 'Garrison of *Lucknow*, do most humbly beseech Your Majesty 'that it may be enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. An Annuity of One thousand Pounds shall be paid to *Hannah Shepherd* Lady *Havelock*, Widow of the late Major General *Henry Havelock* of *Lucknow*, Knight Commander of the Most Honourable Order of the Bath, for the Term of her natural Life; and a like Annuity of One thousand Pounds shall be paid to Sir *Henry Marshman Havelock*, Baronet, eldest Son of the said late Major General *Havelock*, for the Term of the natural Life of the said Sir *Henry Marshman Havelock*, and

Power to grant an Annuity of 1,000*l.* to Lady Havelock, Widow of Sir H. Havelock; and a like Annuity to Sir H. M. Havelock, Bart.

and the said Annuities shall issue and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be deemed to have commenced and taken effect from the Fifth Day of *February* One thousand eight hundred and fifty-eight, and the First Payment of a proportionate Part thereof respectively for the Period from such Commencement to the Fifth Day of *April* One thousand eight hundred and fifty-eight shall be made on the said Fifth Day of *April* One thousand eight hundred and fifty-eight, and such Annuities shall thereafter be paid quarterly, (that is to say,) on the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April* in every Year; and the Receipts of the said Lady *Havelock* and Sir *Henry Marshman Havelock* respectively, or of such other Persons as shall be duly authorized and appointed by her or him to receive her or his respective Annuity, shall be a good and sufficient Discharge for the Payments thereof; and the said Annuities shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

CAP. III.

An Act for enabling the *East India* Company to raise Money in the United Kingdom for the Service of the Government of *India*. [22d *March* 1858.]

'WHEREAS in consequence of the Disturbances in *India* 'it is expedient that the *East India* Company should 'be enabled to raise Money in the United Kingdom on the 'Credit of the Revenues of *India*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to East India Company to raise any Sum not exceeding Eight Millions.

I. It shall be lawful for the Court of Directors of the *East India* Company, under the Direction and Control of the Board of Commissioners for the Affairs of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and fifty-nine, or if Parliament be then sitting before the End of the then Session of Parliament, to raise in the United Kingdom for the Service of the Government of *India* any Sum or Sums of Money not exceeding in the whole Eight Millions as herein-after provided.

Money may be raised on Bonds of the Company.

II. It shall be lawful for the said Court of Directors, under such Direction and Control as aforesaid, from Time to Time to borrow upon Bonds, to be issued under the Common Seal of the said Company, all or any Part of the Money hereby authorized to be raised as aforesaid, such Bonds to be for such respective Amounts payable after such Notice and at such Rate or Rates of Interest as the said Court of Directors, under such Direction and Control, may think fit.

III. For

III. For raising all or any Part of the Money by this Act authorized to be raised which may not be borrowed on Bond as aforesaid, it shall be lawful for the said Court of Directors, under such Direction and Control as aforesaid, to issue from Time to Time Debentures, under the Common Seal of the said Company, for such respective Amounts and at such Rate or Rates of Interest as the said Court of Directors, under such Direction and Control as aforesaid, think fit, such Debentures to be issued at or for such Prices and on such Terms as may be determined by the said Court of Directors, under such Direction and Control as aforesaid.

When Money not borrowed on Bond Debentures may be issued by the Company.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively, and the Interest on all such Debentures shall be payable half-yearly on such Days as shall be mentioned therein, and the Principal Monies and Interest secured by such Debentures shall be payable at the Treasury of the said Company in *London.*

As to Payment of Principal and Interest on Debentures.

V. All Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal Monies secured thereby, and all Interest due and accruing thereon, shall be transferable by the Delivery of such Debentures respectively.

Debentures, transferable by Delivery.

VI. The whole Amount of Principal Monies to be secured by Bonds or Debentures, or by Bonds and Debentures, to be issued under this Act, shall not exceed Eight Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and fifty-nine, or if Parliament be then sitting after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act, as herein-after provided.

The whole Amount secured by Bonds, &c. not to exceed Eight Millions.

VII. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the Court of Directors may, at any Time, under such Direction and Control as aforesaid, borrow or raise by Bonds or Debentures as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

Power to raise Money for Repayment of Principal Monies.

VIII. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, shall be charged on and payable out of the Revenues of the Territories under the Government of the said Company, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Securities to be charged on Revenues of India.

IX. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the said Company

Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and

Debentures under this Act.

Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East Indian Bonds.

X. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Common Seal of the said Company under the Authority of this Act, as well as to and in respect of any Bond issued under the Seal of the said Company under such Authority.

Returns to be annually prepared of Monies raised on Loan, &c. and presented to Parliament.

XI. Provided always, That, on or before the First Day of *February* in each Year, the Court of Directors of the *East India* Company, under such Direction and Control as aforesaid, shall prepare or cause to be prepared a Return of all Monies raised on Loan under the Provisions of this Act; also, a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the *East India* Revenues at Home and Abroad, up to the latest Period of Time to which such Return can be made out; that all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

Existing Powers of the Company not prejudiced.

XII. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Company at the Time of the passing thereof.

CAP. IV.

An Act to continue an Act of the last Session to authorize the embodying of the Militia.

[25th *March* 1858.]

'WHEREAS by an Act of the last Session of Parliament, 'Chapter Eighty-two, it was enacted, that it should be 'lawful for Her Majesty, and for the Lord Lieutenant or 'other Chief Governor or Governors of *Ireland*, respectively, 'at any Time after the passing of that Act, and before the 'Twenty-fifth Day of *March* One thousand eight hundred and 'fifty-eight, to cause all or any Part of the respective Militias 'in *England*, *Scotland*, and *Ireland* to be drawn out and 'embodied in like Manner as in the respective Cases in which 'such Militias were then by Law authorized to be drawn out 'and embodied: And whereas it is expedient that the said 'Act should be continued as herein-after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. All the Powers and Provisions of the said Act shall be continued and shall have effect as if the Twenty-fifth Day of *March* One thousand eight hundred and fifty-nine had been mentioned therein instead of the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight.

Powers of 20 & 21 Vict. c. 82. continued to 25th March 1859.

CAP. V.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.

[26th *March* 1858.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the 'Commons of the United Kingdom of *Great Britain* 'and *Ireland*, in Parliament assembled, towards making good 'the Supply which we have cheerfully granted to Your Majesty 'in this Session of Parliament, have resolved to grant unto 'Your Majesty the Sum herein-after mentioned; and do there-'fore most humbly beseech Your Majesty that it may be 'enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum of Ten Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied for the Service of the Year 1858 the Sum of 10,000,000*l.* out of the Consolidated Fund.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the

The Treasurer may cause 10,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted by the Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are

are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. VI.

An Act to apply the Sum of Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and fifty-eight.

[26th *March* 1858.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the 'Commons of the United Kingdom of *Great Britain* and '*Ireland*, in Parliament assembled, towards making good the 'Supply which we have cheerfully granted to Your Majesty 'in this Session of Parliament, have resolved to grant unto 'Your Majesty the Sum herein-after mentioned; and do there-'fore most humbly beseech Your Majesty that it may be 'enacted;' and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year ending the 31st Day of March 1858 the Sum of 500,000*l.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Deficiency in the Grants for the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and fifty-eight, the Sum of Five hundred thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 500,000*l.* Echequer

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to

Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 500,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Monies raised by Bills to be applied to the Services voted

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be

be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

CAP. VII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [26th *March* 1858.]

'WHEREAS it is judged necessary for the Safety of the 'United Kingdom, and the Defence of the Possessions 'of this Realm, that a Body of Royal Marine Forces should 'be employed in Her Majesty's Fleet and Naval Service, 'under the Direction of the Lord High Admiral of the United 'Kingdom, or the Commissioners for executing the Office of 'Lord High Admiral aforesaid: And whereas the said Forces 'may frequently be quartered or be on shore, or sent to do 'Duty or be on board Transport Ships or Merchant Ships or 'Vessels, or Ships or Vessels of Her Majesty, or other Ships 'or Vessels, or they may be under other Circumstances in 'which they will not be subject to the Laws relating to the 'Government of Her Majesty's Forces by Sea: And whereas 'no Man can be forejudged of Life or Limb, or subjected in 'Time of Peace to any Kind of Punishment within this 'Realm, by Martial Law, or in any other Manner than by 'the Judgment of his Peers, and according to the known and 'established Laws of this Realm; yet nevertheless it being

'requisite

'requisite for the retaining of such Forces in their Duty that 'an exact Discipline be observed, and that Marines who shall 'mutiny or stir up Sedition, or shall desert Her Majesty's 'Service, or be guilty of any other Crime or Offence in breach 'of or to the Prejudice of good Order and Discipline, be 'brought to a more exemplary and speedy Punishment than 'the usual Forms of the Law will allow:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or within the *British Isles* shall by such Articles be subject to be kept in Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to Penal Servitude, or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the

the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for Good Conduct or for distinguished or other Service, Clothes, Military Furniture or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

IV. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon

The Ordinary Course of Law not to be interfered with.

thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

V. No Person subject to this Act having been acquitted or convicted of any Crime or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class, or to the Rank of a Private Marine by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division, to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or

Marines

Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

As to General Courts-martial.

VIII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, or the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward* Islands, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Place out of the Queen's Dominions, excepting the *Ionian Islands* and the Places herein-before mentioned, it shall consist of not less than Seven; and if convened

convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and every such General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and every such District or Garrison Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Divisional and Detachment Courts-martial.

X. A Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

As to Courts-martial in special Cases out of the Queen's Dominions.

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which Her Majesty's Royal Marine Forces are so serving by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial

Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIII. Where it is necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

Proceedings at Trial.

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined

examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested; or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart Courts in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

XVIII. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which

 shall

shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of Proceedings of Courts-martial.

XIX. Every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence *per* Folio of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Six Months after the Trial, if the same took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the

the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial, but Revision allowed.

XX. No Officer or Marine who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XXI. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being

confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine enlisted or in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XXII. No Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present, being Members of the Court, shall concur therein.

Commutation of Death for Penal Servitude or other Punishment.

XXIII. Whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable by Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be kept in Penal Servitude for any Term not less than Four Years: Provided always, that in all Cases where the Punishment of Death shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions, to the Officers commanding as aforesaid.

Embezzlement punishable by Penal Servitude, &c.

XXIV. Every Officer and other Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be kept in Penal Servitude not less than Four Years, or to suffer such Punishment of Fine, Imprison-

ment,

ment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered; and every Commissioned Officer sentenced to be kept in Penal Servitude, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service and for ever be incapable of serving Her Majesty in any Military Capacity.

As to Execution of Sentences of Penal Servitude in the United Kingdom;

XXV. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or

Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Also in the Colonies.

XXVI. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the

the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced or where he may come or be as aforesaid in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively: Provided always, that in any Case where a Sentence of Penal Servitude shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned with or without Hard Labour and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, for the same or such lesser Term as shall seem meet to Her Majesty, or if in the *East Indies* or out of Her Majesty's Dominions to the Officers commanding as aforesaid.

Disposal of Convict after Sentence of Penal Servitude.

XXVII. When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the

the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXIX. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods herein-after prescribed, and in case of a Marine in addition to Corporal Punishment.

Power to commute Corporal Punishment.

XXX. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXXI. Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or

or of the Gratuity and Medal awarded for former Good Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have

have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement;

XXXIII. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave not exceeding Five Days.

Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself; and in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided, that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms or for Duty or on Parade or on the Line of March to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award.

Stoppages.

XXXVI. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender

Offender may be put under Stoppages until he shall have made good—

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service or for general good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXVII. Whenever any Marine shall have been convicted of Desertion or of any such disgraceful Conduct as is hereinbefore described, and the Court in respect of such disgraceful Conduct

Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or if in the *East Indies* for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay, to be enforced, mitigated, or remitted, as may be deemed expedient.

Marking Deserters.

XXXVIII. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXIX. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Imprisonment of Offender already under Sentence for

XL. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, or of Transportation, passed upon him by

previous Offence.

by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment, Penal Servitude, or Transportation for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude or Transportation to which he shall have been so previously sentenced; although the aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Term and Place of Imprisonment.

XLI. Save as herein specially provided, every Term of Penal Servitude, Transportation, or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. In the Case of a Prisoner undergoing or liable to Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, or elsewhere, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial or otherwise; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord

Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose, and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive, and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLIV. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem* which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLV. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the

Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, previously direct that such Marine be delivered to some other Officer or Person, in which Case he shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine and the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of Two Shillings *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid, shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.

XLVI. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

XLVII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or 'Marine

Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be sentenced to be cashiered; provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

Verifying of Muster Rolls.

XLVIII. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

XLIX. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial, may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice

living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the

Secretary

Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of such Fees; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may deliver him into Custody at the nearest Military Post although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIII. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly

enlisted and to be a Marine and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under False Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or Official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value

to 30*l.* and upwards;

of Thirty Pounds at the least over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Marine Necessaries or Equipments of such Marine: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract,

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Enlisting and swearing of Recruits.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included,) but not sooner than Twenty-four Hours after such enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being

being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have been enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. Any Recruit so appearing before such Justice shall be at liberty to declare his Dissent to such Enlisting; and upon such Declaration, and upon his repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged in the Presence of such Justice; but if such Recruit shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted and who shall apply to him to declare his Dissent within such Period of Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided also, that no Recruit who

who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment

LXI. If any Recruit shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, Militia, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom,

from, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oath, Declaration, and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath or Declaration in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn or Declaration made by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oath, Declaration, and Certificates,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

ficates, or either of them, before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, Ordnance, or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army, Ordnance, or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or who shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice of the United Kingdom, or before a Divisional or Naval Court-martial, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces, Army, Ordnance, or Marines, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary of the Admiralty shall direct, or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces into which he has so enlisted or in the Navy into which he shall have entered: Provided

also,

also, that every such Person so enlisted shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted, and shall be subject to all the Provisions of this Act, or if he had entered the Navy, to the Law, Rules, Regulations, and Customs by which the Navy is governed, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines or from the Navy if he shall neglect or refuse to join and serve in the Marines or in the Navy as aforesaid.

Penalty on Officers offending as to Enlistment.

LXII. Every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer, under whose Command the Recruit shall be, the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland* for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of

of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXV. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Punishment of Apprentices enlisting.

Servants enlisting to be entitled to a Portion of their Wages.

LXVI. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to

to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.'

Removal of Doubts as to Attestation of Marines.

LXVII. 'And whereas certain Marines who have heretofore 'been duly enlisted, and who have voluntarily taken the Oath 'of Allegiance and Fidelity, and are now receiving Her 'Majesty's Pay, have been sworn and attested, but Doubts 'have arisen whether the Justices before whom the said 'Marines have been so sworn and attested were the proper 'Justices to administer to such Marines the Oaths prescribed 'by the several Acts passed for the Regulation of Her 'Majesty's Royal Marine Forces while on shore:' Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of any such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the Twentieth Year of the Reign of Her Majesty for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Admiralty may order Pay to be withheld.

LXVIII. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. 'And whereas there is and may be Occasion for the 'marching and also for the quartering of the Royal Marine 'Forces when on shore:' Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses,

Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* with Diet and Small Beer, and with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made out for the less distant Houses in which suitable Accommodation can be found before making out Billets for the more distant; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in One and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in the Manner required by this Act upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby

required to billet the Horses upon some other Person or Persons having Stables and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

LXX. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof such

such a Sum as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall at any Time or Times direct, but not less than the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Twelve Pounds of Hay and Eight Pounds of Straw to the Innholder or other Persons for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days pay or cause to be paid the just Demands of all Victuallers or other Persons upon whom any Officers, Non-commissioned Officers, Marines, or Horses shall be billeted, or if they shall not remain so long as Four Days, or whenever they shall quit their Quarters, pay or cause to be paid to the Constable of the Parish or Place a Sum of Money sufficient to settle and discharge the just Demands in respect to Billet Money of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, together with a further Sum, at the Rate of One Shilling in the Pound, upon the Amount due to such Victuallers or other Persons for the Marines billeted upon them, as a Compensation to such Constable for his Trouble in the Matter, such further Sum to be repaid to the Officer or Non-commissioned Officer paying the same as aforesaid, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, shall at any Time or Times direct; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer; and any Constable who shall wilfully and without reasonable Cause omit to pay over to any such Victualler or other Person any Money paid to him for the Purpose of paying the same over as aforesaid, within the Space of Forty-eight Hours after the Receipt of the same by him as aforesaid,

shall be liable on Conviction thereof before any Justice of the Peace to a Penalty not exceeding Five Pounds, over and above the Amount so paid to him, and not paid over by him as aforesaid; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Supply of Carriages.

LXXI. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march (for each of which Warrants a Fee of One Shilling only shall be paid), requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons and

and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days, beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments

in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but

but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c

LXXIV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Moneys which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act of the 2d and 3d Years of the Reign of Her present Majesty, Cap. 65.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXV. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LXXVI. All Officers and Marines being in proper Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage or returning from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

LXXVIII. The

LXXVIII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of such Notification.

Notification to Parishes of good or bad Conduct of Marines.

LXXIX. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine: or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain*, and good and sufficient Hay and Straw in *Ireland*, for each Horse, in such Quantities and at such Rates as herein-before provided, or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty upon Officers of Marines so offending.

LXXX. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for forcible Entry.

LXXXI. Every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person

Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on

on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. All the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

Limitations of Actions.

LXXXV. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for any thing done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried, shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any

any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

LXXXVII. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord

Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. It shall be lawful for any Two Justices of the Peace within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry, to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. Any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths.

XC. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise

wise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Perjury.

XCI. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed*; and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether British or Foreign, to be drunk in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail to be consumed or drunk in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that

Definition of Terms.

Marines not to be billeted in private Houses, &c.

that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Alterations in Forms of Attestations.

XCII. 'And whereas it is expedient to make certain Alterations in the Forms of Attestation prescribed by the several Statutes now in force relating to Enlistment:' It is hereby provided, That the Question directed to be put on the Attestation of Recruits, as to their Willingness to serve as set forth in the Schedule annexed to the Statute 10 & 11 *Victoria*, Ch. 63., intituled *An Act for limiting the Time of Service in the Royal Marine Forces*, and in the Schedule to the several Acts heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

Duration of Act.

XCIII. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-nine inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man* and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-eight until the First Day of *May* One thousand eight hundred and fifty-nine inclusive; and within the Garrison of *Gibraltar* and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *July* One thousand eight hundred and fifty-nine inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *September* One thousand eight hundred and fifty-nine inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and fifty-eight until the Twenty-fifth Day of *November* One thousand eight hundred and fifty-nine inclusive.

SCHE-

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help you GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Marine Mutiny Act, within Forty-eight but not sooner than Twenty-four Hours after his Enlistment, the Hours of Sunday, Christmas Day, or Good Friday not being counted.

[*Date*]_____ _____185

you enlisted with at o'Clock* on the Day of 185 , for the Royal Marines, and if you do not come forward on or before o'Clock* on the for the Purpose of being taken before a Magistrate, either to be attested, or to

* A.M. or P.M. as the Case may be.

release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Marine without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-commissioned Officer commanding the Party } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom, were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?*

* The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Calendar Months, and to Fourteen Days Imprisonment if he is not attested; and if he belongs to the Naval Coast Volunteers he is liable, under the Act Sixteenth and Seventeenth Victoria, Chapter Seventy-three, to Imprisonment for Six Months, and his Enlistment will be null and void.

13. Do

13. Do you belong to any Regiment or Corps in Her Majesty's Army, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, Militia, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

DECLARATION to be made by a RECRUIT on Attestation.

I do declare, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

Declared before me, _____

_____ *Signature of Marine.*

_____ *Signature of Justice.*

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand, _____ *Signature of the Recruit.*

Witness present.

Sworn before me at this
Day of
One thousand eight hundred and
at o'Clock

_____ *Signature of the Justice.*

CERTIFICATE to be given by the JUSTICE.

Description of
Age, apparently,
Height, Feet Inches.
Complexion,
Eyes,
Hair,

Any Distinctive Mark.

to wit. } I One of Her Majesty's Justices of the Peace at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said ;

 that

that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of the Justice.*

Declaration to be made by a Marine renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me, _____

_____ *Signature of Marine.*

_____ *Signature of Witness.*

Form of Oath to be taken by a Master whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge

Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at , this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Description Return of who was apprehended [*or* "surrendered himself," *as the Case may be,*] on the Day of and was committed to Confinement at on the Day of as a Deserter from the Royal Marines.

Age - - - -		
Height - - - -	Feet.	Inches.
Complexion - - -		
Hair - - - -		
Eyes - - - - -		
Marks - - - -		
Probable Date of Enlistment, and where - - -		
Probable Date of Desertion, and from what Place - - -		
* Name and Occupation and Address of the Person by whom apprehended - - -		
* Particulars of the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds -		

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*
——— *Signature of Prisoner.*
——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

CAP. VIII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. [26th *March* 1858.]

'WHEREAS the Enclosure Commissioners for *England* 'and *Wales* have, in pursuance "The Acts for the 'Inclosure, Exchange, and Improvement of Land," issued 'their Provisional Orders for and concerning the proposed 'Inclosures mentioned in the Schedule to this Act, and have 'in their Thirteenth Annual General Report certified their 'Opinion that such Inclosures would be expedient; but the 'same cannot be proceeded with without the previous Autho-'rity of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. Inclosures to be proceeded with.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1858," or "The Acts for the Inclosure, Exchange, and Improvement of Land" Short Title.

SCHEDULE to which this Act refers.

Inclosure	County.	Date of Provisional Order.
Paslow Wood Common -	Essex -	4th June 1857.
Whittlebury (Lillingstone Dayrell) - - -	Northampton-	16th July 1857.
Pipe and Lyde - -	Hereford -	13th August 1857.
Rumney Meadow - -	Hereford -	13th August 1857.
Wooferwood Common -	Hereford -	13th August 1857.
Landford Common - -	Wilts - -	30th July 1857.
Langdon Moor - - -	Devon - -	12th October 1857.
Aylmarsh and Coughton Marsh - - -	Hereford -	21st June 1855.
Boyton - - -	Cornwall -	26th November 1857.
Caldicot - - -	Monmouth -	17th December 1857.
Shorncote - - -	Wilts - -	4th December 1857.
Turwick - - -	Sussex - -	22d January 1857.
High and Low Bishopside Moor - - -	York - -	17th December 1857.
Haywards Heath - -	Sussex -	30th December 1857.

Inclosure.	County.	Date of Provisional Order.
Soberton - - -	Southampton	13th January 1858.
Chilson and Whichwood -	Oxford - -	15th January 1858.
Ascott and Whichwood -	Oxford - -	15th January 1858.
Leafield and Whichwood -	Oxford - -	15th January 1858.
Finstock Common Allotment - - -	Oxford - -	15th January 1858.
Llandefeilog - - -	Carmarthen -	30th December 1857.
Ware Marsh - -	Hertford -	23d December 1857.
Landford Wood - -	Wilts - -	23d December 1857.

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[26th *March* 1858.]

'WHEREAS the raising or keeping a Standing Army 'within the United Kingdom of *Great Britain* and '*Ireland* in Time of Peace, unless it be with the Consent 'of Parliament, is against Law: And whereas it is adjudged 'necessary by Her Majesty and this present Parliament that 'a Body of Forces should be continued for the Safety of the 'United Kingdom, the Defence of the Possessions of Her 'Majesty's Crown, and the Preservation of the Balance of 'Power in *Europe*, and that the whole Number of such Forces 'should consist of One hundred and thirty thousand one 'hundred and thirty-five Men, exclusive of the Officers and 'Men belonging to the Regiments and other Corps employed 'in the Territorial Possessions of the *East India* Company, 'but including the Officers and Men of the Troops and 'Companies recruiting for those Regiments and Corps: And 'whereas no Man can be forejudged of Life or Limb, or 'subjected in Time of Peace to any Kind of Punishment 'within this Realm, by Martial Law, or in any other Manner 'than by Judgment of his Peers, and according to the known 'and established Laws of this Realm; yet nevertheless it 'being requisite, for the retaining all the before-mentioned 'Forces in their Duty, that an exact Discipline be observed, 'and that Soldiers who shall mutiny or stir up Sedition, or 'shall desert Her Majesty's Service, or be guilty of Crimes 'and Offences to the Prejudice of good Order and Military 'Discipline, be brought to a more exemplary and speedy 'Punishment than the usual Forms of the Law will allow:' Be it therefore enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Numbers, 130,135 Men.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to be kept in Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to Penal Servitude or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers or the Corps of Royal Sappers and Miners, or in the Corps of Royal Military Surveyors and Draftsmen, or in the Field Train or Medical Staff Corps, or Hospital Corps, or Military Train, or serving as Army Schoolmasters and Armourer Serjeants, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and all Civil Officers who are or shall be employed by or act under the War Department at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

III. This

Provisions of this Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall fraudulently confess themselves to be Deserters, or who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

IV. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are, and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia and Yeomanry Corps.

V. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors

Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

As to General Courts-martial convened in Saint Helena, &c.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian* Colonies, *Hong Kong*, or the Settlements on the Coast of *China*, and *Prince of Wales Island*, *Singapore*, and *Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward* Islands, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Place out of the Queen's Dominions, excepting the *Ionian Islands* and the Places herein-before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and every such General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the

the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and every such District or Garrison Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Regimental or Detachment Courts-martial.

IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships, &c.

X. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

As to Courts-martial in special Cases out of the Queen's Dominions.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

As to Appointment of mixed Courts-martial in Cases of Trials of Marines and Soldiers of the East India Company.

XII. Where it is necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the

the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of such Act as shall be in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of such Act as shall be in force for the Amendment of the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

As to Presidents of Courts-martial.

XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, the Officer convening such Court may be the President thereof.

Proceedings at Trials.

XIV. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so as aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate,

cate, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

As to swearing and summoning of Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always,

always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions may be put in Evidence before passing Sentence.

XVI. After any Person subject to this Act has been found guilty of any Charge or Charges, the Court before which any such Person shall have been tried may, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book, or the Defaulter Book of the Regiment, Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment or other Corps by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; provided also, that the Court shall in

in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of Proceedings of General and District Courts-martial to be transmitted to Judge Advocate General.

XVII. Every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as may be, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence *per* Folio of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Six Months after the Trial, if the same took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial for the same Offence, but Revision may be allowed.

XVIII. No Officer or Soldier, who shall be acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison,

Fortress

Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment, Corps, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Corps, Troop, or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Judgment of Death may be commuted for Penal Servitude or other Punishments.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be kept in Penal Servitude for any Term not less than Four Years: Provided always, that in all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution to order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions, to the Officers commanding as aforesaid.

Embezzlement punishable by Penal Servitude.

XXII. Any Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent

Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered; and every Commissioned Officer sentenced to be kept in Penal Servitude, when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

As to Execution of Sentences of Penal Servitude in the United Kingdom.

XXIII. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders; and the Person in whose Custody such Offender shall at that Time be,

be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape, or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Penal Servitude in the Colonies.

XXIV. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made, it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who

shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and while such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively: Provided always, that in any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Period herein-after prescribed, for the same or such lesser Term as shall seem meet to Her Majesty, or if in the *East Indies*, or out of Her Majesty's Dominions, to the Officers commanding as aforesaid.

Power to inflict Corporal Punishment.

XXV. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for disgraceful Conduct as herein-after mentioned, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods herein-after prescribed.

Power to commute Corporal Punishment for Imprisonment, &c.

XXVII. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement,

ment, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Court-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.

XXVIII. Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, or to Forfeiture of the Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, and of all Field Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,—

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for the Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

 XXIX. Every

Forfeiture of Pay on being found guilty of Desertion, &c., or on Conviction for Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, or of tampering with his Eyes, with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence of Court-martial, or for Debt, &c.;

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit

or during Absence on Commitment under a Charge, or whilst in Arrest for Debt; or when Prisoner of War until Inquiry shall be made;

or when convicted of Desertion or of Absence without Leave;

forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

or when absent without Leave, not exceeding Five Days.

Proviso.

XXXI. Any Court-martial may sentence any Soldier for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award.

Forfeiture of Pay for Drunkenness on Duty.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay

Forfeiture of Pay and Liquor for habitual Drunkenness.

for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service in the Field or for general good Conduct, which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall

shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Commander-in-Chief, with the Concurrence of the Secretary-at-War: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Power to discharge Soldiers with Ignominy.

XXXIV. Whenever any Soldier shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for Her Majesty, or if in the *East Indies* for the Officer commanding in chief the Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking Deserters.

XXXV. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that

that such Soldier be kept in Solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to such Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

As to Imprisonment of Offenders already under Sentence for previous Offences.

XXXVII. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, or of Transportation, passed upon him by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment, Penal Servitude, or Transportation for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment, Penal Servitude, or Transportation to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment, Penal Servitude, or Transportation respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Terms and Places of Imprisonment under Sentences of Courts-martial.

XXXVIII. Save as herein-before specially provided, every Term of Penal Servitude, Transportation, or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Regulations as to Military Prisons.

XXXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a Public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for

for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

As to the Custody of Prisoners under Military Sentence in Common Gaols.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any Public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler,

Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

XLII. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment of Soldiers in Common Gaols.

XLIII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

XLIV. Musters

XLIV. Musters shall be taken of every Regiment, Corps, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Officer or Soldier, or other Person liable to be mustered, shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Officers, Soldiers, or other Persons, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be sentenced to be cashiered; provided that it shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Musters, and Punishment for false Musters.

XLV. Every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps and be a Deserter therefrom, and whether such Soldier shall be tried for deserting from the Corps to which he may of right belong, or for deserting from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Trials for Desertion after subsequent Re-enlistment.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and

Apprehension of Deserters in the United Kingdom.

and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid, the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in the Colony, or, if the Regiment or Corps be in the Colony, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at

In the Colonies.

at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

As to the temporary Custody of Deserters in Gaols

XLVII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under lawful Authority on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

XLVIII. Any Recruit who shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments or Corps; and all Infantry Recruits to Infantry Regiments or Corps; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Provision as to fraudulent Confession of Desertion.

XLIX. Any Soldier who, while serving in any of Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter, shall be liable to be tried by Court-martial, and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the Embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces as Her Majesty shall think fit to appoint, whether such Person shall

shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under False Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England*, as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Furlough in case of Sickness.

L. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

LI. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the Disembodied Militia, shall be

for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not liable to take Parish Apprentices.

LIII. No Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIV. No Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday, Christmas Day,* or *Good Friday* not included) after his having received the Enlisting Money Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Ninety-six Hours (any intervening *Sunday; Christmas Day,* or *Good Friday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Recruit shall have been enlisted, or before any Justice or other Magistrate acting for the Division, District,

or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Declaration and Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Declaration or Oath; and the Fee for administering the Declaration and Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed, and if any such Recruit so to be certified shall refuse to make the Declaration and take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. Any Recruit so appearing before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and upon his returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit after his Enlistment, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Recruit shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Period of Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary-at-War and Inspecting Field Officer of the District, shall be paid to any Person belonging to the Recruiting

cruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. If any Recruit shall receive Enlisting Money (knowing it to be such) from any Person employed in the Recruiting Service within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, and authorized by Beating Order under the Hand of the Secretary-at-War to enlist Recruits, or from any Person employed in the Recruiting Service in any of the Colonies, or in any of the Presidencies of *India*, authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and to be a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter.

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Further Offences connected with Enlistment.

LVIII. Any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Recruit shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought before them, and shall be proved upon Oath upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have concealed any such Infirmity, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Recruit, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Declarations, Oaths, and Certificates in the Schedule to this Act annexed, before or at the Time of receiving Enlisting Money, or before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place

7 & 8 G. 4. c. 29.

9 G. 4 c. 55.

Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Declaration in the Schedule to this Act annexed, made by the Recruit on his Attestation, and of the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as stated in the Declaration made by him; and Proof upon Oath that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged without Production of any Roll or other Document to prove the same; and the Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court-martial, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-

War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted, or to the Navy into which he shall have entered: Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* or elsewhere in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, and shall be subject to all the Provisions of this Act, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse to join and serve in such Corps, or in the Navy as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LIX. Every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LX. 'And whereas it is expedient that Provision should 'be made for enlisting and attesting Soldiers desirous of re-'enlisting or of enlisting abroad:' Be it enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, or for any Justice of the Peace or Magistrate acting for the Place of such Enlistment, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so enlisted or re-enlisted

re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LXI. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXII. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Service or in the *East India* Company's Service, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Forces; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her

Claims of Masters to Apprentices.

Her Majesty's or the *East India* Company's Service, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Seven, Five, or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer, shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

LXIII. No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-

Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

Wages of Servants enlisting.

LXIV. It shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. 'And whereas certain Soldiers who have heretofore 'been duly enlisted, and who have voluntarily taken the Oath 'of Allegiance and Fidelity, and are now receiving Her 'Majesty's Pay, have been sworn and attested, but Doubts 'have arisen whether the Justices before whom the said 'Soldiers have been so sworn and attested were duly qualified 'to administer to such Soldiers the Oaths prescribed by the 'several Acts passed for punishing Mutiny and Desertion and 'for the better Payment of the Army and their Quarters:' In every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of any such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the Twentieth Year of the Reign of Her present Majesty, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

LXVI. No

Authorized Deductions only to be made from the Pay of the Army.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and fifty-eight, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service; provided, as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it until Her Majesty's Orders shall have been signified by the Secretary-at-War.

Suspending Operation of certain Acts herein recited.

LXVII. 'And whereas by Petition of Right in the Third 'Year of King *Charles* the First it is enacted and declared, 'that the People of the Land are not by the Laws to be 'burdened with the sojourning of Soldiers against their Wills; 'and by a Clause in an Act of the Parliament of *England*, 'made in the Thirty-first Year of the Reign of King *Charles* 'the Second, for granting a Supply to His Majesty of Two 'hundred and six thousand four hundred and sixty-two Pounds 'Seventeen Shillings and Threepence, for paying and dis-'banding the Forces, it is declared and enacted, that no Officer, 'Civil or Military, nor other Person whosoever, should thence-'forth presume to place, quarter, or billet any Soldier upon 'any Subject or Inhabitant of this Realm, of any Degree, 'Quality, or Profession whatsoever, without his Consent, and 'that it shall be lawful for any Subject or Inhabitant to refuse 'to quarter any Soldier, notwithstanding any Warrant or 'Billeting whatsoever: And whereas by an Act passed in the 'Parliament of *Ireland* in the Sixth Year of the Reign of 'Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An* '*Act to prevent the Disorders that may happen by the marching* '*of Soldiers, and providing Carriages for the Baggage of Soldiers* '*on their March*, it was enacted, that no Officer, Soldier, or 'Trooper in the Army, nor the Servant of any Officer, nor 'any Attendant on the Train of Artillery, nor any Yeoman of 'the Guard or Battle-axes, nor any Officer commanding the 'said

6 Anne, c. 14. s. 8. (I.)

'said Yeomen, nor any Servant of any such Officer, should 'at any Time thereafter have received or be allowed any 'Quarters in any Part of *Ireland*, save only during such Time 'or Times as he or they should be on their March as in the 'same Act is before mentioned, or during such Time as he or 'they should be and remain in some Seaport Town or other 'Place in the Neighbourhood of a Seaport Town in order to 'be transported, or during such Time as there should be any 'Commotion in any Part of *Ireland*, by reason of which Emer-'gency the Army, or any considerable Part thereof, should be 'commanded to march from One Part of *Ireland* to another:' But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

Certain Requirements of 6 Anne, c 14 (I), as to billeting in Ireland, not now necessary.

LXVIII. 'And whereas by the Eleventh Section of the 'said Act of the Sixth Year of the Reign of Queen *Anne*, 'Chapter Fourteen, it is provided and enacted, that no Civil 'Magistrate or Constable should be obliged to find Quarters 'for or give Billets to more or other Soldiers than those only 'whose true Christian and Surnames should be delivered to 'him in Writing under the Hand of the Officer desiring 'Quarters or Billets for such Soldiers at the Time such 'Quarters or Billets should be desired, and that all such 'Names should be written together and delivered in One Piece 'of Paper, signed as aforesaid, and that the Christian and 'Surnames of every Soldier to be quartered or billeted, 'together with the Name of the Person on whom he or they 'should be billeted or quartered, should be given in Writing 'by the Constable or Civil Officer billeting or quartering such 'Soldier, and be contained in the Billet given by such Civil 'Officer: And whereas it has been found inconvenient and 'difficult to comply with all the Requirements of the said 'Enactment:' It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

LXIX. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-Pensioners when

when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint,

Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging, where he shall be duly billeted.

Billeting the Guards in and near Westminster.

LXX. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the

the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXXI. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXXII. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain,* except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Penny Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain,* for Ten Pounds of Oats, Twelve Pounds of Hay, and

and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Twelve Pounds of Hay and Eight Pounds of Straw to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland,* when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

Definition of Terms.

LXXIII All the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark,* and *Man,* and all Isles thereto and to *Great Britain* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers,

unless when otherwise provided, and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such

Powers and Regulations as to Billets.

Exemptions from Billets.

Supply of Carriages.

LXXIV. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered

ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXV. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town

at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within

within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXVI. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVII. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Second and Third Years of the Reign of Her present Majesty, Chapter Sixty-five.

Routes in Ireland.

LXXVIII. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXIX. All Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as hereinbefore enacted.

Ferries.

LXXX. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons,

Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXXI. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXXII. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

LXXXIII. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Punishment of Officers obstructing Civil Justice.

Penalty for Disobedience by Agents.

LXXXIV. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to

observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or if he have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXV. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXVI. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXVII. Every Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary-at-War) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous,

Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVIII. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXIX. Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

XC. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence

Offence be liable to a Renalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentence; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

XCI. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

XCII. Any

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XCII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if

if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets.

XCIII. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and good and sufficient Hay and Straw in *Ireland* for each Horse, in such Quantities and at such Rates as herein-before provided; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by

by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, for themselves, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any Enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier, or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or Carriages;

and on Persons personating Soldiers, &c.

XCIV. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person any Money or Reward for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the

Penalties upon the Military so offending.

the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game without Leave.

XCV. For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCVI. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCVII. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out*

11 & 12 Vict. c. 43.

out of Sessions within England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XCVIII. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War.

5 & 6 W. 4. c. 76.

Mode of recording a Soldier's Settlement.

XCIX. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such

Justice

Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Licences of Canteens.

C. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

CI. All Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Commissaries to attest their Accounts.

CII. All Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army to which any such Commissary shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

CIII. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt

Perjury.

corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Offences against former Mutiny Acts and Articles of War.

CIV. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Certain Soldiers to be deemed to have been duly attested.

CV. 'And whereas it may be doubtful whether certain 'Soldiers who have been enlisted for the Medical Staff Corps 'and the Military Train, and as Schoolmasters and Armourer 'Serjeants, and who have voluntarily taken the Oath of Alle-'giance and Fidelity, and are now receiving Military Pay, have 'been attested in entire Accordance with the Forms prescribed 'by the Statutes now in force relating to Enlistment:' It is hereby provided, That in every Case where any such Soldier having been duly enlisted shall not have claimed to be discharged on or before the Sixteenth Day of *March* One thousand eight hundred and fifty-seven, he shall not be entitled to his Discharge by reason of such Informality in his Attestation, but shall be liable to all the Provisions of this Act, and of the Act passed in the Twentieth Year of the Reign of Her present Majesty for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested.

Alterations in the Forms of Attestation.

CVI. 'And whereas it is expedient to make certain Altera-'tions in the Forms of Attestation prescribed by the several

'Statutes now in force relating to Enlistment:' It is hereby provided, That the Question directed to be put on the Attestation of Recruits as to their Willingness to serve, as set forth in the Schedule annexed to the Statute Ten and Eleven *Victoria*, Chapter Thirty-seven, intituled *An Act for limiting the Time of Service in the Army*, and in the Schedule to the several Acts heretofore passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

10 & 11 Vict. c. 37.

Duration of this Act.

CVII. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-eight inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-nine; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and fifty-eight inclusive until the First Day of *May* One thousand eight hundred and fifty-nine; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and fifty-eight inclusive until the First Day of *August* One thousand eight hundred and fifty-nine; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and fifty-eight inclusive to the First Day of *September* One thousand eight hundred and fifty-nine; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-nine inclusive until the First Day of *January* One thousand eight hundred and sixty; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty inclusive until the First Day of *February* One thousand eight hundred and sixty-one: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHE-

SCHEDULES referred to by the foregoing Act.

Form of Oaths to be taken by Members of Courts-Martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

YOU shall duly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help you GOD.

Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

Notice to be given to a Recruit, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but no sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday, Christmas Day, or Good Friday not being counted.

Date _____ 185 .

you enlisted with

at o'Clock* on the Day of for the Regiment [*instead of the Words* "fote Regiment," *any Words may be substituted which are applicable to the Case*], and if

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* A.M. or P.M., as the Case may be.

you do not come forward on or before o'Clock*
on the for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

Signature of the Officer or Non-Commissioned Officer commanding the Party. } _____

Name of the Recruit _____

Residing at _____

QUESTIONS to be put separately by the JUSTICE to a RECRUIT on ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*instead of the Words* "in the Regiment of" *any Words may be substituted denoting the particular Corps or Service in which the Recruit is willing to serve; the Blank after the Words "Term of" to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?

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* A.M. or P.M., as the Case may be.

11. Have

11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers?
13. Do you belong to any Regiment or Corps in Her Majesty's Army, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, Militia, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Months if attested and to Fourteen Days Imprisonment if he is not attested, and if he belong to the Naval Coast Volunteers he is liable under the Act 16 & 17 Victoria, c. 73. to Imprisonment for Six Months, and his Enlistment will be null and void.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards: but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided your Services

should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in the East India Company's* for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

DECLARATION to be made by a RECRUIT on ATTESTATION.

I do declare, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

Declared before me.

_____ *Signature of Soldier.*

_____ *Signature of Justice.*

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of Recruit.*

_____ *Witness present.*

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of Justice.*

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* The Blank to be filled up with the Words Infantry, Cavalry, or Artillery, as the Case may be.

If

If enlisting for the East India Company's Service, the following is to be added to the Oath.

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army; and that I have given him a Duplicate of this Certificate, signed with my Name.

——————————— *Signature of Justice.*

DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or was, as the Case may be,*) in Captain Company in the Regiment; [*the foregoing Portion of this Declaration may be altered to suit each particular Case*]; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be,*] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me ———————————

——————————— *Signature of Soldier.*

——————————— *Signature of Witness.*

Form of Oath to be taken by a Master whose Apprentice has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and .

Sworn before me at this Day of One thousand eight hundred and . }

Form of Justice's Certificate to be given to the Master of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

Form of Oath to be taken by a Master whose indentured Labourer in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

Form

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named } this Day of }

Justice of the Peace of or, *Commander in Chief,* or *Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

No.

No.

Description Return of who was apprehended [*or* "surrendered himself," *as the Case may be*,] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where - - -	
Probable Date of Desertion, and from what Place - - -	
Name and Occupation and Address of the Person by whom apprehended - - -	
Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds -	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*
——— *Signature of Prisoner.*
——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of* ‖ *Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

‖ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

CAP. X.

An Act to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of *Skipton* in the West Riding of the County of *York*; and to further declare the Limits of the District of *Toxteth Park* in the County Palatine of *Lancaster*, for the Purposes of the said Act. [11th *May* 1858.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, a Provisional Order in the Schedule to this Act contained, and it is expedient that the said Order should be confirmed, and further Provisions made in relation thereto: And whereas Doubts have arisen as to the Limits of the District of *Toxteth Park*, as fixed by the Provisional Order of the said Board, bearing Date the Thirtieth Day of *July* One thousand eight hundred and fifty-five:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Order in Schedule as to Skipton confirmed.

I. The Provisional Order of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the passing of this Act, so far as the same is authorized by the said Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Constitution of Local Board for Skipton.

II. Six of the Members of the Local Board of Health for the District of *Skipton*, the Boundaries of which are set forth in the Schedule to the Provisional Order appended to this Act, shall be elected from among Persons resident within the Boundaries of such District; and the remaining Three Members of the said Board shall be elected from among Persons resident within the Township of *Skipton*, and rated in respect of Property situate within the aforesaid District.

First Election of Local Board for Skipton.

III. The First Election of the Local Board of Health for the District of *Skipton*, for the Purposes of the said Public Health Act, shall take place on the Twenty-eighth Day of *April* in the Year of our Lord One thousand eight hundred and fifty-eight.

Limits of the District of Toxteth Park further defined.

IV. The Provisional Order of the General Board of Health, bearing Date the Thirtieth Day of *July* One thousand eight hundred and fifty-five, and confirmed by "The Public Health Supplemental Act, 1855," applying the Public Health Act, 1848, with certain Exceptions set forth in that Order, to the Parts included within the Boundaries of the Extra-parochial Place of *Toxteth Park*, as defined in an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled

An

An Act for better paving and improving the Streets and Highways within the Extra-parochial Place of Toxteth Park *in the County Palatine of* Lancaster, *and for the Sewerage of certain Parts of the said Place,* shall be taken and held to apply only to so much of the said Extra-parochial Place as is not included within the Boundaries of the Municipal Borough of *Liverpool;* and the said Order is hereby declared, to be of full Force and Effect within and in respect of so much of the said Extra-parochial Place as is not so included as aforesaid, and all the Acts, Contracts, Instruments, and Proceedings done, entered into, or executed by the Local Board of Health acting under the said Order, shall be and the same are hereby declared to be as valid and effectual as if the said Order had referred only to the Part of the said Extra-parochial Place not so included as aforesaid.

Act incorporated with 11 & 12 Vict. c. 63.

V. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act were One Act.

Short Title.

VI. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1858."

SCHEDULE.

Provisional Order for the Application of the Public Health Act to the District of Skipton in the West Riding of the County of York.

General Board of Health.

Whereas upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of and within the Township of Skipton in the West Riding of the County of York, the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundary which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and has reported in writing to the said General

General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it having appeared to the said General Board that the boundary which might be most advantageously adopted for the purposes of the said Act was not the same as that of the said Township with respect to which the said inquiry had been made, the said Board caused the aforesaid William Ranger to visit the parts within the boundary proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundary proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears upon such Reports that there is a certain Local Act of Parliament in force within the said Township having relation to the purposes of the said Public Health Act; that is to say,

> An Act passed in the fourth year of the reign of King George the Fourth, intituled "An Act for better sup-
> "plying with Water the Town of Skipton in the West
> "Riding of the County of York."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to a district comprised within the boundary described in the Schedule to this Order annexed, and shown by the line described as "Proposed Boundary," on the map accompanying the said first printed Report to the General Board of Health, bearing date the 26th March 1857, and further described in the Appendix to the aforesaid Report (p. 23), but the same cannot be done without the authority of Parliament.

Now

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand, as President of the said Board, and under their official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order—

1.—The Public Health Act, 1848, shall apply to the entire area comprised within the boundary described in the Schedule to this Order annexed, being the parts within which the said inquiry and further inquiry have been made, and such area shall be a District, for the purposes of the said Public Health Act, to be called the Skipton District.

2.—The Local Board shall consist of nine persons resident, in the manner provided by the Act confirming this Order.

3.—One-third of the said Local Board shall go out of office on the Twenty-fifth day of March in each year subsequent to that in which the first election of the said Local Board takes place.

4.—Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be possessed of real or personal estate, or both, to the value of not less than one thousand pounds, or shall be rated to the relief of the poor of the said District, or of some township or place of which some part is within the said District, upon an annual value of not less than twenty pounds.

5.—At the first election of the said Local Board, Henry Alcock, Esquire, of Airville, Skipton, shall have the powers and perform the duties in relation to such election vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, and all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Henry Alcock, from illness or other sufficient cause, shall be absent, or shall refuse or be unable to act, then Stephen Bailey Hall, Esquire, of Skipton aforesaid, shall act in his place.

6.—The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Henry Alcock, at his residence, Airville, Skipton; or in case he shall refuse or be unable to receive the same, then to the said Stephen Bailey Hall, at his offices, Skipton.

Given under my Hand and under the Seal of the General Board of Health, this Second day of February, in the year of our Lord One thousand eight hundred and fifty-eight.

(L.S.) (Signed) W. COWPER,
President of General Board of Health.

Schedule

Schedule to which this Order refers.

The boundary of the District of the Skipton Local Board of Health, referred to in the preceding Order, is marked by a line upon the map accompanying the said first Report to the President of the General Board of Health, bearing date the 26th March 1857, the said line being described on that map as "Proposed Boundary." The said line commences at a small hull or building situate at or near Cross Bank, on the Skipton and Embsay Road, and runs thence in a northerly direction along the fence on the west side of a certain field belonging to Sir Richard Tufton, called the Storams, and in the occupation of John Kendall, to the brook called Eller Beck; thence along the course of the said brook to the point where a certain rivulet from the north-west runs into the said brook, near the reservoir or round dam of the Skipton High Mill; thence along the course of such rivulet to the point where it crosses the Short Lee Lane; thence along the said lane to the north point of the east fence of a close called Sodhill, in the occupation of John Moorhouse, and belonging to the township of Skipton; thence along the fence of the said close called Sodhill on the east and south sides thereof until it reaches the old Skipton and Gargrave Road; thence across the said road, along a certain occupation lane, to the north-west corner of a certain close belonging to the said Sir Richard Tufton, called Bull Ing, late in occupation of Robert Twisleton and now in the occupation of William Scaife; thence along the line of fence on the west side of the said last-mentioned close and the line of fence on the west side of the Bull Ing plantation, also belonging to Sir Richard Tufton, and the line of fence on the west side of a close of meadow land abutting on the new Skipton and Gargran turnpike road; thence westerly along the said road to a point where it will be in a straight line with the sunk fence on the west side of a certain close called Harwoods, belonging to Henry Alcock, and thence across the shrubbery belonging to the said Henry Alcock, and along the said sunk fence on the west side of the said close called Harwoods to the Gowflat Lane; thence along the said lane leading towards the canal to a point where the fence on the west side of a close called Lambert Hills, belonging to Sir Richard Tufton, and in the occupation of William Stockdale, abuts on the said lane; thence along the said fence on the west side of the said last-mentioned close and a small garden upon the south of the said close to and across the Leeds and Liverpool Canal in a direct line to and across the Leeds and Bradford Railway Extension; thence in an easterly direction along the occupation road on the south of the said railway to the point where it reaches the lane called Golden Lane; thence along the said last-mentioned lane to the north-west point of a close called Low Crake Moor, in the occupation of John Howson; thence along the fences on the west sides of the said close and the adjoining close, also called

Low

Low Crake Moor, and also in the occupation of the said John Howson, to the southern extremity of such fence; thence along the brook called Eller Beck, in an easterly direction, until it passes into a certain close called Buck Dimples, also belonging to the said Sir Richard Tufton and in the occupation of John Metcalf; thence southerly along the western fence of the said close called Buck Dimples to the Waltonwrays occupation lane, leading into the Skipton and Carlton Road; thence along the said occupation lane in an easterly direction into the said Skipton and Carlton Road; thence in a southerly direction along the said last-mentioned road to the south corner of a certain close or inclosure, also belonging to the said Sir Richard Tufton, called Cross Close, and now in the occupation of Henry Hird; thence in an easterly direction along the south fence of the said last-mentioned close, and along the south fences of the two closes lying between the said close called Cross Close and the said railway, and across the said railway to the Skipton and Keighly Road; thence in a south-easterly direction along the said road to the south-west corner of a triangular close called the Paddock, also belonging to the said Sir Richard Tufton, and lying between the said road and the Leeds and Liverpool Canal; thence along the south fence of the said triangular close to and across the Leeds and Liverpool Canal to the south-west corner of a certain field edging the said canal, also belonging to the said Sir Richard Tufton, called the Far Lower Firth, in the occupation of John Howson; thence along the south fences of the last-mentioned close and the three adjoining closes called the Firth or Firth and Cornfield, in the occupation of the said John Howson, and Far Wood Bottom, in the occupation of Sarah Whitham; thence along the easterly fence of the last-mentioned close until such fence runs into the south fence of a certain other close adjoining thereon, called the Great Wood Pasture, in the occupation of John Wignall; thence along the south and east fences of the said last-mentioned close into a certain occupation lane, called the Great Wood Lane; thence along the said lane until it reaches the Old Rumblesmoor Road, and thence along the said last-mentioned road in a direction towards the town of Skipton to the south-west corner of a field or garden adjoining upon the Bath House; thence along the south fence of the said last-mentioned field or garden to the south fences of two other closes called Gill Pasture and Gill Meadow, also belonging to the said Sir Richard Tufton, now in the occupation of John Whittingham; thence in a northerly direction along the east fence of the said close called Gill Meadow; thence along the east fence of the two closes, also belonging to the said Sir Richard Tufton, called Sun Moor Meadow and Sun Moor, late in the occupation of Storey Watkinson, to the point where the brook called Skibedon Beck runs into the said close called Sun Moor Pasture; thence in a northerly direction along the said brook to the point where it passes under the Skipton and Otley Road; thence

thence in a direct line to the south-west corner of a certain field called Far East Field, also belonging to the said Sir Richard Tufton, in the occupation of Robert Birtwhistle; thence along the western fence of the said last-mentioned close to the Skipton and Knaresbro' Road; thence along the said road in an easterly direction to a point opposite to the west fence of a close called Haw Bank or Rock Field, also belonging to the said Sir Richard Tufton, late in the occupation of Jeremiah Phillip, but now of his daughter Ann Wilkinson; thence along the west fences of the said last-mentioned close and the adjoining close called Cross Bank Meadow, also belonging to the said Sir Richard Tufton, and late in the occupation of the said Jeremiah Phillip, but now of his said daughter, to the Skipton and Embsay Road, and thence along the said road in a direction towards the town of Skipton to the said small hull or building first described at the commencement of the said boundary line.

CAP. XI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Cambridge*.

[11th *May* 1858.]

'WHEREAS by an Act passed in the Session of Parliament 'holden in the Nineteenth and Twentieth Years of Her 'Majesty (Chapter Eighty-eight), "to make further Provi- "sion for the good Government and Extension of the "University of *Cambridge*, of the Colleges therein, and of "the College of King *Henry* the Sixth at *Eton*," it was 'enacted, that the Stamp Duties then payable on Matriculations 'and Degrees should be abolished so soon as Provision should 'have been made by the University, to the Satisfaction of the 'Commissioners of Her Majesty's Treasury, in lieu of the 'Monies theretofore voted annually by Parliament: And 'whereas by a Grace or Statute of the said University, passed 'by the Senate in Congregation on the Tenth Day of *December* 'One thousand eight hundred and fifty-seven, Provision has 'been made for the Payment out of the University Chest of 'the Salaries and Allowances to certain Professors of the said 'University, mentioned in the Schedule to this Act, (being 'the same Salaries and Allowances as were heretofore annually 'voted by Parliament to the said Professors,) and the Com- 'missioners of Her Majesty's Treasury are satisfied that such 'Statute is a due Provision in lieu of the Monies theretofore 'voted annually by Parliament, as intended by the said Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 88.

I. All Stamp Duties payable under the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and

Stamp Duties on Admission or Matriculation and on

Admission to Degrees in Cambridge repealed.

and eighty-four, or under any other Act of Parliament, on the Admission or Matriculation of any Person in the said University of *Cambridge* and on the Admission of any Person to any Degree in the said University (whether conferred in the ordinary Course of the University or otherwise), or for the Registry or Entry of any such Admission, shall, from and after the First Day of *April* next, cease to be payable.

Salaries payable to Professors in Schedule not discontinued without Consent of Treasury.

II. No Salary or Allowance payable under the said Grace or Statute of the said University to any Professor mentioned in the Schedule to this Act shall be discontinued or reduced without the Consent of the Commissioners of Her Majesty's Treasury

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SCHEDULE.

	£
To the Professor of Modern History - -	371
To the Professor of Civil Law - - -	100
To the Professor of Chemistry - - -	100
To the Professor of Anatomy - - -	100
To the Professor of Botany - - -	182
To the Jacksonian Professor - - -	100
To the Professor of Mineralogy - - -	100

CAP. XII.

An Act for the Alteration of certain Duties of Customs.

[11th *May* 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duties of Customs on certain Articles to cease.

I. That the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* shall cease and determine; (that is to say,)

Chloride of Lime.
Platina Wire.

New Duties of Customs to be charged on certain Articles.

II. That in lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* the following Duties shall be charged; (that is to say,)

		d.
Bonnets of Felt - -	each	6
Caoutchouc, Manufactures of -	per lb.	2

On and after 5th April 1858, Duties of Customs to be charged on certain other Articles.

III. On and after the Fifth Day of *April* One thousand eight hundred and fifty-eight, the following Duties of Customs shall be charged on the Articles under-mentioned on the Importation thereof into *Great Britain* and *Ireland*; that is to say,

		s.	d.
Stearine - - -	the Cwt.	3	6
Candles; *viz.*			
Stearine - -	the Cwt.	3	6

IV. This

IV. This Act shall come into operation on the Day of the passing of this Act, except where otherwise herein mentioned, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1858."

Commencement of Act.

Short Title.

CAP. XIII.

An Act for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight.

[11th *May* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

Power to Treasury to raise 20,911,500*l.* by Exchequer Bills in like Manner as is prescribed by 48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Acts extended to this Act.

III. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then

The Treasury to issue and apply the Money raised.

then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills how to be charged and paid.

IV. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be hereafter granted by Parliament for that Purpose.

Interest on Bills.

V. The Exchequer Bills to be made out in pursuance of this Act shall bear Date on such Days subsequently to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VI. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Bank of England may advance 20,911,500*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

VII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

CAP. XIV.

An Act for raising the Sum of Two Millions by Exchequer Bonds. [11th *May* 1858.]

Most Gracious Sovereign,

WE Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your

Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may cause Exchequer Bonds to be made out for Sums not exceeding 2,000,000*l.*

I. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, but not later than the Thirty-first Day of *March* One thousand eight hundred and fifty-nine, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at *Westminster* for such Sum or Sums of Money as they shall direct, not exceeding in the whole the Sum of Two Millions, and such Bonds shall bear such Interest as shall be determined by the said Commissioners, not exceeding Three Pounds Ten Shillings *per Centum per Annum*, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

As to Payment of Interest on Bonds and Repayment of Principal Money.

II. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of any Aids or Supplies which, at or after the Time when such Principal Monies shall become payable, shall be in the Bank of *England* standing to the Credit of the Exchequer.

Treasury may cause Exchequer Bonds to be prepared and issued.

III. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and how and to whom the same shall be issued, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 23.

IV. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds to be prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

Money raised to be paid to the Consolidated Fund.

V. All such Sums of Money as shall be raised by Exchequer Bonds to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Bank of England may advance Two Millions on the Credit of Bonds, and Commissioners of National Debt may invest Money on account of Savings Banks in Purchase of Bonds.

VI. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Two Millions, (anything in an Act passed in the Session holden in the Fifth and Sixth Years of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act, notwithstanding;) and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks.

CAP. XV.

An Act for granting certain additional Rates and Duties of Excise. [11th *May* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties of Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of additional Duties of Excise on Spirits, &c.

I. There shall be charged, raised, levied, collected, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, the following additional Duties of Excise, that is to say,

For and upon every Gallon of Spirits of the Strength of Hydrometer Proof which on or after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight shall be distilled in *Ireland*, or be in the Stock, Custody, or Possession of any Distiller in *Ireland*, or of any Person in trust for him or for his Use, Benefit, or Account, or which, having been distilled in *England*, *Scotland*, or *Ireland*, shall on or after the said Day be in Warehouse in *Ireland*,

Ireland, and be taken out of Warehouse for Consumption in *Ireland*, or which, having been taken out of Warehouse in *England* or *Scotland* for Removal to *Ireland*, shall on or after the said Day be brought into *Ireland*, the additional Duty of One Shilling and Tenpence, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity:

And for and upon every Gallon of Spirits of the Nature or Quality of plain *British* Spirits of the Strength of Hydrometer Proof, manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, and imported from any of the said Islands into *Ireland*, there shall be charged and paid, on and after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight, in lieu of the Countervailing Duties of Excise now chargeable thereon under any Act or Acts in force, the Countervailing Duty of Excise of Nine Shillings, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity.

No Drawback to be allowed on Made Wines.

Countervailing Duties to cease.

II. No Drawback of Excise shall be allowed or paid for or upon any Made Wines which on or after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight shall be removed from *England* or *Scotland* to *Ireland*; and the Countervailing Duties now payable on the Removal from *Ireland* to *England* or *Scotland* of the several Mixtures, Compounds, Preparations, and Commodities enumerated or described under the Head of Spirit Mixtures in the Schedule (A.) of the Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, shall also cease to be payable on any such Removal made on or after the said last-mentioned Day.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

III. The said several Duties by this Act granted and imposed shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, and applied in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, raised, levied, collected, recovered, paid, and applied; and all Acts relating to the Duties of Excise, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act for securing Duties of Excise, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties hereby granted and imposed respectively, in as full and ample a Manner, to all Intents and Purposes, as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly

repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted and imposed as aforesaid.

Where Contracts have been made, additional Duties to be added to the Price of the Articles contracted for.

IV. 'And whereas Contracts or Agreements may have 'been made for the Sale or Delivery of some of the Goods or 'Commodities on which increased or additional Duties of 'Excise are by this Act granted and imposed, which Contracts 'or Agreements may have been made with no Reference to 'such additional Duties, and thereby the several Contractors 'may be materially affected:' For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

Duty-paid Spirits may be removed from the Stores of Distillers and others to and from different Parts of the Kingdom.

V. All Spirits on which the full Duties of Excise chargeable by Law shall have been paid may lawfully be removed from the respective Stores or Stocks of Distillers, Rectifiers, Compounders, Dealers, and Retailers of Spirits in *Great Britain* and *Ireland* respectively to and from and between the said respective Parts of the United Kingdom in like Manner as such Spirits may now be removed, and under and subject to the like Rules and Regulations as the same are now subject and liable to on the Removal thereof from any such Stores or Stocks as aforesaid to and from and between Places both of which are situated in one and the same Part of the United Kingdom.

19 & 20 Vict. c. 34.

VI. 'Whereas by an Act passed in the Nineteenth and 'Twentieth Years of Her Majesty's Reign, Chapter Thirty-'four, a Duty of Excise at the Rate of Two Shillings *per* 'Hundredweight was imposed on all Sugar used in the brewing 'or making of Beer after the Fifth Day of *April* One thousand 'eight hundred and fifty-eight, such Rate of Duty, together 'with the reduced Rate of Customs Duty on Sugar appointed 'by Law to take effect after the said last-mentioned Day, being 'deemed to be an Equivalent for the Duty of Excise on the 'Malt for which such Sugar would be substituted in the brew-'ing or making of Beer: And whereas by an Act passed in the 'last Session of Parliament, Chapter Sixty-one, certain in-'creased Rates of the Duties of Customs on Sugar were 'granted until the Thirty-first Day of *March* One thousand 'eight hundred and sixty inclusive, in lieu of the said reduced 'Rates:' Be it enacted, That the charging and levying of the said Duty of Excise granted by the said Act of the Nineteenth and Twentieth Years of Her Majesty's Reign on Sugar used as aforesaid shall be deferred until the First Day of *April* One thousand eight hundred and sixty, and shall then be charged and levied only on Sugar so used on or after the said last-mentioned Day.

20 & 21 Vict. c. 61.

Charging of Excise Duty on Sugar used in brewing deferred until 1st April 1860.

CAP. XVI.

An Act for the further Amendment of the Duties of Customs. [11th *May* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the additional Rates and Duties herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Additional Rates and Duties on Spirits, &c. imported into Ireland.

I. That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged on and after the Nineteenth Day of *April* One thousand eight hundred and fifty-eight on the Articles under mentioned, on their Importation into *Ireland* in lieu of the Duties now payable thereon; *viz.*

	s.	d.
Spirits,		
——— not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by *Sykes's* Hydrometer; for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon of and from a *British* Possession in *America*, or the Island of *Mauritius*, and Rum of and from any *British* Possession within the Limits of the *East India* Company's Charter, in regard to which the Conditions of the Act 4 *Vict.* c. 8. have or shall have been fulfilled - - - - the Gallon	8	2
——— Rum Shrub, Cordials, and Liqueurs of and from a *British* Possession in *America*, or the Island of *Mauritius*, or a *British* Possession within the Limits of the *East India* Company's Charter, qualified as aforesaid - the Gallon	8	2

CAP. XVII.

An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight.

[21st *May* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1858 the Sum of 11,000,000*l.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum of Eleven Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 11,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

IV. The

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 11,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. XVIII.

An Act to effect an Exchange between the Commissioners of *Chelsea Hospital* and the Governor and Company of *Chelsea* Waterworks of Lands in the Parishes of *Saint George Hanover Square* and *Saint Margaret Westminster* in the County of *Middlesex*.

[21st *May* 1858.]

Recital of Agreement, dated 24th September 1857, for an Exchange of Lands specified in the First Schedule belonging to Chelsea Hospital, for Lands specified in the Second Schedule belonging to Chelsea Waterworks Company.

'WHEREAS by an Agreement in Writing, made and entered into the Twenty-fourth Day of *September* in the Year of our Lord One thousand eight hundred and fifty-seven, between the Lords and other Commissioners for the Government of the Royal Hospital at *Chelsea* and the Out-Pensioners thereunto belonging, in the County of *Middlesex*, therein-after called the Commissioners of *Chelsea Hospital*, of the one Part, and the Governor and Company of *Chelsea* Waterworks of the other Part, after reciting that the said Commissioners of *Chelsea Hospital* were seised for an Estate in Fee Simple in possession of the Piece or Parcel of Ground specified in the First Schedule to this Act, subject nevertheless to certain Annuities and Fee-farm Rents charged thereon by the Will of the Right Honourable Richard late Earl *Grosvenor*, and otherwise, but which Annuities and Rents were also charged on other large Estates of great Value, and on the Purchase of which said Land and Hereditaments specified in the said First Schedule to this Act, together with other Hereditaments by the said Commissioners of *Chelsea Hospital*, from the *Grand Junction* Waterworks Company, the said *Grand Junction* Waterworks Company gave to the said Commissioners of *Chelsea Hospital* their Bond under their Common Seal, dated the eighth Day of *November* One thousand eight hundred and forty-three, in the Sum of Twelve thousand Pounds, for indemnifying the said Commissioners of *Chelsea Hospital*, their Heirs and Assigns, and the said Hereditaments so purchased by them, from the said Annuities and Fee-farm Rents, and all Costs occasioned thereby; and reciting that the said Governor and Company of *Chelsea* Waterworks were seised for an Estate in Fee Simple in possession of the Piece or Parcel of Ground specified in the Second Schedule to this Act; and reciting that the said Two Parcels of Ground were of the same Value, and that it would be greatly for the Advantage of both the Parties thereto

'thereto to exchange the same; it was by the said Agreement 'now in recital mutually agreed between the Parties thereto 'in manner following; that is to say, that they the said Com- 'missioners of *Chelsea Hospital* should and would, at their own 'Costs and Charges, use their best Endeavours to obtain an 'Act of Parliament to effect an Exchange of the said Parcels 'of Land, so that the said Land and Hereditaments specified 'in the said First Schedule to this Act, with their Rights, 'Members, and Appurtenances, might become and be vested 'in the said Governor and Company of *Chelsea* Waterworks, 'their Successors and Assigns, freed and discharged from all 'Uses, Estates, Charges, Trusts, Conditions, Rights, and 'Powers then affecting the same, and to be by them held to 'the same Uses, for the same Estates, upon the same Trusts, 'and with, under, and subject to the same Charges, Rights, 'Powers, and Provisions, as the Land and Hereditaments 'specified in the said Second Schedule to this Act were then 'held upon or subject to; and so that the said Land and 'Hereditaments specified in the said Second Schedule to this 'Act, with their Rights, Members, and Appurtenances, might 'become and be vested in the said Commissioners of *Chelsea* '*Hospital*, their Successors and Assigns, freed and discharged 'from all Uses, Estates, Charges, Trusts, Conditions, Rights, 'and Powers then affecting the same, and to be by them held 'to the same Uses, for the same Estates, upon the same 'Trusts, and with, under, and subject to the same Charges, 'Rights, Powers, and Provisions, as the Land and Heredita- 'ments specified in the said First Schedule to this Act were 'then held upon or subject to; and to the Intent that the 'Benefit of the said Bond of the said *Grand Junction* Water- 'works Company, and of all other Bonds or Covenants for 'the Indemnity of the said Commissioners of *Chelsea Hospital*, 'and the said Land and Hereditaments specified in the said 'First Schedule to this Act, from the said Annuities and 'Fee-farm Rents, might enure or continue for the Benefit of 'the same Commissioners, their Successors and Assigns, and 'of the said Land and Hereditaments specified in the said 'Second Schedule to this Act; and that they the said Governor 'and Company of *Chelsea* Waterworks should and would, at 'their own Costs and Charges, give such Consents as should 'be necessary on their Part for obtaining an Act of Parliament 'to effect such Exchange as was therein-before mentioned: 'And whereas it is expedient that the Exchange mentioned 'in the said Agreement should be carried into effect, but the 'same cannot be accomplished without the Authority of Par- 'liament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

Land specified in First Schedule to vest in the Governor and Company of Chelsea Waterworks, and Land specified in Second Schedule to vest in the Commissioners of Chelsea Hospital.

I. The said Land and Hereditaments specified in the said First Schedule to this Act shall forthwith absolutely vest in the said Governor and Company of *Chelsea* Waterworks, their Successors and Assigns, to the Intent and in the Manner in the said Agreement expressed; and the said Land and Hereditaments specified in the said Second Schedule to this Act shall forthwith absolutely vest in the said Lords and other Commissioners for the Government of the Royal Hospital at *Chelsea* and the Out-Pensioners thereunto belonging, their Successors and Assigns, to the Intent and in the Manner in the said Agreement expressed; and the Benefit of the said Bond of the *Grand Junction* Waterworks Company, and of all other Bonds or Covenants for the Indemnity of the said Commissioners of *Chelsea Hospital*, and of the said Land and Hereditaments comprised in the said First Schedule hereto, from the said Annuities and Fee-farm Rents, shall henceforth enure or continue for the Benefit and Indemnity of the same Commissioners, their Successors and Assigns, and of the said Land and Hereditaments specified in the said Second Schedule to this Act, in the same Manner in all respects as if the said Land and Hereditaments specified in the said Second Schedule to the said Act had been mentioned or referred to in the said Bonds and Covenants, in lieu of the said Land and Hereditaments comprised in the said First Schedule to this Act.

SCHEDULES to which the foregoing Act refers.

The FIRST SCHEDULE referred to by this Act.

All that Piece or Parcel of Ground in the Parish of Saint George Hanover Square in the County of Middlesex, containing One Rood Nine Poles and Twenty-four Yards, or thereabouts, bounded on the North-west by the Centre of the Ranelagh or Common Sewer, on the North-east by Lands now belonging to the said Governor and Company of Chelsea Waterworks, on the South-east by the Commercial Road, and on the South-west by the Line of a proposed new Street intended to lead from Lower Sloane Street to the new Chelsea Bridge, and which Piece of Land is also delineated in a Plan drawn in the Margin of the said Agreement, and is therein coloured Pink.

The SECOND SCHEDULE referred to by this Act.

All that Piece or Parcel of Ground in the Parishes of Saint Margaret Westminster and Saint George Hanover Square, or One of them, in the County of Middlesex, heretofore Marsh or Meadow Ground, and being Part of a Meadow heretofore called Hooker's Meadow, containing One Rood and Thirty Poles and Fourteen Yards, or thereabouts, and bounded on the

the North-west by the Centre of the said Ranelagh Sewer, on the South-east by the said Commercial Road, on the South-west by Land belonging to the Commissioners of Chelsea Hospital, and on the North-east by Land belonging to the said Commissioners, and which Piece of Land is also delineated in the said Plan drawn in the Margin of the said Agreement, and is therein coloured Yellow.

CAP. XIX.

An Act to continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies.

[21st *May* 1858.]

'WHEREAS an Act was passed in the Session holden in 'the Third and Fourth Years of Her Majesty, Chapter 'One hundred and ten, "to amend the Laws relating to 'Loan Societies," which Act was limited to continue until 'the Thirty-first Day of *August* One thousand eight hundred 'and forty-one, but has been continued by several Acts, and 'lastly by an Act of the last Session of Parliament, Chapter 'Forty-one, until the First Day of *August* One thousand eight 'hundred and fifty-eight: And whereas in the said Act of 'the last Session of Parliament are contained Enactments 'which are to take effect after the Termination of the Period 'thereby limited for the Continuance of the said Act of the 'Third and Fourth Years of Her Majesty: And whereas it 'is expedient that the said Act of the Third and Fourth Years 'of Her Majesty should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 Vict. c. 110.

20 & 21 Vict. c. 41.

I. The said Act of the Third and Fourth Years of Her Majesty shall continue in force until the First Day of *August* One thousand eight hundred and sixty-three; and the Provisions of the said Act of the last Session of Parliament, which were to take effect after the Termination of the Period thereby limited for the Continuance of the first-mentioned Act, shall take effect whensoever the said first-mentioned Act may expire, and not otherwise.

3 & 4 Vict. c. 110. further continued.

CAP. XX.

An Act for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.

[21st *May* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the Supply granted

granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the Stamp Duty herein mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After 24th May 1858 certain Drafts to be chargeable with a Stamp Duty of 1*d.*

'I. From and after the Twenty-fourth Day of *May* One thousand eight hundred and fifty-eight, all Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, which being drawn upon any Banker, or any Person or Persons acting as a Banker, and residing or transacting the Business of a Banker, within Fifteen Miles of the Place where such Drafts or Orders are issued, are now exempt from Stamp Duty, shall be chargeable with the Stamp Duty of One Penny for every such Draft or Order.

The Duty to be under the Care of the Commissioners of Inland Revenue.

Powers and Provisions of former Acts to apply to this Act.

II. The Duty by this Act granted shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, and Regulations, Pains and Penalties, contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description payable in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be in full Force and Effect with respect to the Duty by this Act granted, and to the Paper and Instruments chargeable therewith, so far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for and in the collecting and securing of the said Duty hereby granted, and otherwise in relation thereto, so far as the same shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duty by this Act granted.

CAP. XXI.

An Act to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of *Chelsea Hospital.*

[14th *June* 1858.]

Agreement between Commissioners of Public Works and Chelsea Hospital, dated Feb. 23, 1858.

'WHEREAS by an Agreement made and entered into the Twenty-third Day of *February* One thousand eight hundred and fifty-eight, between the Commissioners of Her Majesty's Works and Public Buildings incorporated for the Purposes of the Acts of Parliament therein-after mentioned of the one Part, and the Right Honourable *Robert Lowe,* the Right Honourable Sir *Edward Blakeney,* a General in Her Majesty's Army, G.C.B., G.C.H., and Sir *Alexander Woodford,* a General in Her Majesty's Army, G.C.B., G.C., M.G.,

'M.G., Three of the Commissioners of the Royal Hospital 'for Soldiers at *Chelsea* in the County of *Middlesex*, on behalf 'of themselves and the other Commissioners of the said Hos- 'pital, of the other Part, after reciting that by an Act of Par- 'liament passed in the Session held in the Ninth and Tenth 'Years of the Reign of Her Majesty Queen *Victoria*, being 'Chapter Thirty-nine of the Statutes of the same Session, the 'Commissioners of Her Majesty's Woods, Forests, Land Re- 'venues, Works, and Buildings were empowered (amongst 'other things) to construct and complete an Embankment 'and Roadway along the North Bank of the River *Thames* 'from *Battersea Bridge* to *Vauxhall Bridge*, and that by 'Section Sixty-two of the said Act the said Commissioners 'were authorized to sell and dispose of and absolutely to grant 'and convey any Part or Parts of any of the Hereditaments 'which might be acquired under the Powers of the said Act, 'but which should not be required for the Purpose of the 'same Act (other than the Lands to be acquired or reclaimed 'between the Embankment and Roadway on the North Shore 'of the River, as therein aforesaid), and which they should not 'think proper to let on Building Leases, as therein aforesaid, 'subject nevertheless to such Stipulations and Conditions as 'they might think fit, and thereupon to convey and assure 'the same; and reciting that by virtue of the Provisions of 'the Forty-second Chapter of the Statutes passed in the 'Session held in the Fourteenth and Fifteenth Years of the 'Reign of Her said Majesty the Commissioners of Her Ma- 'jesty's Works and Public Buildings were and are substituted 'for the Commissioners of Her Majesty's Woods, Forests, 'Land Revenues, Works, and Buildings, for the Purposes of 'the first-mentioned Act; and reciting that by the Eighty- 'seventh Chapter of the Statutes passed in the Session held in 'the Sixteenth and Seventeenth Years of the Reign of Her said 'Majesty the last-mentioned Commissioners were authorized to 'proceed with and complete the said Embankment and Roadway, 'subject to certain Alterations in the original Plans and Designs 'thereof, and the Time limited by the said first-mentioned Act 'for the Purpose of constructing and completing such Embank- 'ment and Roadway was extended; and reciting that under 'and by virtue of the Statutes aforesaid or some of them the 'Piece or Parcel of Land, containing by Admeasurement Three 'Acres and Thirty-seven Perches, or thereabouts, in the said 'Agreement now in recital afterwards described, and the Fee 'Simple and Inheritance thereof, are vested in the said Com- 'missioners of Her Majesty's Works and Public Buildings; 'and reciting that the said Piece or Parcel of Land is not nor 'is any Part thereof between the Embankment and Roadway 'on the North Shore of the said River, but the same is alto- 'gether on the North Side of the Embankment Road, as 'appears by the Plan thereto annexed; and reciting that the 'Slip of Land tinted a Violet Colour in the said Plan, containing

'by Admeasurement Two Roods and Thirty-two Perches, Part 'of the said Piece or Parcel of Land containing Three Acres 'and Thirty-seven Perches, was acquired or reclaimed by the 'Embankment authorized by the therein first-mentioned Statute, 'and before such Embankment was Part of the North Shore 'of the said River; and reciting that by the Nineteenth 'Section of the said first-mentioned Statute it was enacted 'that all Lands and Hereditaments which should be acquired 'or reclaimed within and by the then intended Embankment 'between the then present North Shore of the said River and 'Line of the said intended Roadway might (subject never-'theless as therein mentioned) be planted or otherwise laid out 'in public Walks or Gardens by the Commissioners for exe-'cuting the said Act, as they should think fit, but that no 'Houses or other Buildings should be erected on any Part 'thereof (except such as might be erected under any such 'Agreement as therein mentioned), and that by the Sixtieth 'Section of the same Statute it was also enacted that as 'regards all or any Grounds or Hereditaments which should 'be purchased and which should not be wanted for the Purposes 'of the said Act (but exclusive of any Lands which should 'be acquired or reclaimed between the said Embankment and 'Roadway and the then present North Shore of the River as 'aforesaid) it should be lawful for the said Commissioners and 'they were thereby authorized to demise and lease the same as 'therein mentioned; and reciting that the said Commissioners 'of Her Majesty's Works and Public Buildings were willing 'to sell (if they had Power so to do) to the said Commissioners 'of *Chelsea Hospital* aforesaid, who were desirous of purchasing 'the said Piece or Parcel of Land containing Three Acres and 'Thirty-seven Perches, therein-after described, and the Inheri-'tance thereof in Fee Simple in possession, at or for the Price 'or Sum of Sixteen thousand five hundred Pounds, subject to 'the Conditions, Stipulations, and Agreements therein-after 'contained; and reciting that in consequence of the aforesaid 'Enactments contained in the said Nineteenth and Sixtieth 'Sections of the said Statute of the Ninth and Tenth Years 'of the Reign of Her said Majesty, Chapter Thirty-nine, it 'was considered doubtful whether the said Commissioners of 'Her Majesty's Works and Public Buildings had Power to 'sell so much of the Premises last aforesaid as consisted of the 'said Slip of Land containing Two Roods and Thirty-two 'Perches, in the said Plan tinted with a Violet Colour, not-'withstanding the said Power to sell given as aforesaid by the 'said Sixty-second Section of the same Statute; and reciting 'that the Parties respectively thereto, in consideration of the 'Premises, had agreed to enter into the Agreement now in 'recital, but provisionally only, in case of the Contract for 'Sale by the said Commissioners of Her Majesty's Works and 'Public Buildings being confirmed by Act of Parliament, as 'therein-after mentioned; it is witnessed that the said Com-

'missioners

'missioners of Her Majesty's Works and Public Buildings did 'for themselves and their Successors (but provisionally only, 'as therein-after mentioned,) agree to sell, and the said *Robert* '*Lowe,* Sir *Edward Blakeney,* and Sir *Alexander Woodford,* as 'such Commissioners of *Chelsea Hospital* aforesaid, on behalf 'of themselves and the other Commissioners of the said Hospital, '(in case of the Contract for Sale therein being confirmed by 'Act of Parliament,) did agree to purchase of and from the 'said Commissioners of Her Majesty's Works and Public 'Buildings, subject as therein-after mentioned, all that Piece 'or Parcel of Land situate, lying, and being in the Parish of '*Saint George Hanover Square* in the said County of *Middlesex,* 'containing by Admeasurement Three Acres and Thirty-seven 'Perches, be the same more or less, near to and adjoining the 'Royal Hospital at *Chelsea* aforesaid, bounded on the West and 'North-west by the Gardens and Grounds belonging to the 'said Royal Hospital, on the North-east by the new Road 'forming from *Chelsea* new Bridge to *Lower Sloane Street,* '*Chelsea,* and on the South by the Embankment Road next 'the River *Thames,* which said Piece or Parcel of Land was 'more particularly delineated and described in the Plan thereof 'drawn in the Margin of the said Agreement, or thereunto 'annexed, and was thereon coloured Red and Violet, and the 'Inheritance thereof in Fee Simple in possession, with the 'Rights, Members, and Appurtenances thereunto belonging, 'at or for the Price or Sum of Sixteen thousand five hundred 'Pounds, and the said *Robert Lowe,* Sir *Edward Blakeney,* and 'Sir *Alexander Woodford* thereby agreed that the said Commis-'sioners of *Chelsea Hospital,* their Successors or Assigns, with 'and out of Monies of the said Hospital applicable in that 'Behalf, should and would, in case of the said Contract being 'confirmed by Parliament, well and truly pay or cause to 'be paid unto the said Commissioners of Her Majesty's Works 'and Public Buildings, their Successors or Assigns, on or 'before the Second Day of *August* One thousand eight hundred 'and fifty-eight, the said Sum of Sixteen thousand five hundred 'Pounds (the Purchase Money aforesaid), together with In-'terest thereon at the Rate of Four Pounds *per Centum per* '*Annum* from the Thirty-first Day of *December* last, on a 'proper Conveyance of the said Piece or Parcel of Land and 'Premises, and the Inheritance thereof in Fee Simple in 'possession, being executed to the Commissioners of *Chelsea* '*Hospital,* their Successors and Assigns, by the said Commis-'sioners of Her Majesty's Works and Public Buildings, or their 'Successors; and it is by the said Agreement further witnessed, 'that for the Considerations therein-before mentioned they the 'said Commissioners of Her Majesty's Works and Public 'Buildings, for themselves and their Successors, also agreed 'with the said *Robert Lowe,* Sir *Edward Blakeney,* and Sir '*Alexander Woodford,* as such Commissioners of *Chelsea Hos-*'*pital* aforesaid, that in case of the said Contract for Sale

'being confirmed by Parliament, and on receiving from them 'the said Sum of Sixteen thousand five hundred Pounds, 'together with such Interest thereon as aforesaid, on or before 'the Second Day of *August* One thousand eight hundred and 'fifty-eight, they the said Commissioners of Her Majesty's 'Works and Public Buildings, or their Successors, would convey 'or cause to be conveyed to the said Commissioners of *Chelsea* '*Hospital*, their Successors and Assigns, or as the said Com-'missioners should direct, the said Piece or Parcel of Land 'and Premises therein-before described, with the Appurte-'nances; subject nevertheless to a Condition in the said Con-'veyance to be contained for making the same void if the said 'Commissioners of *Chelsea Hospital*, their Successors or As-'signs, should at any Time or Times thereafter erect, build, or 'set up, or cause or permit or suffer to be erected, built, or 'set up, in or upon the said Piece or Parcel of Land or any 'Part or Parts thereof, any Messuage or other Buildings 'whatsoever, without the Licence, Consent, and Approbation 'in Writing of the said Commissioners of Her Majesty's 'Works and Public Buildings, their Successors or Assigns, 'being previously had and obtained to the Erection of such 'Buildings, and without submitting the Plans and Elevations 'for any such Erections or Buildings to the said Commissioners 'of Her Majesty's Works and Public Buildings, their Successors 'or Assigns, for their Approval thereof, previously to any such 'Erections and Buildings being commenced, and also subject 'to a Covenant to be inserted in such Conveyance on the Part 'of the Commissioners of *Chelsea Hospital*, their Successors or 'Assigns, that they the said Commissioners of *Chelsea Hospital*, 'their Successors or Assigns, should and would, at their own 'Expense, inclose and keep the Piece or Parcel of Land 'inclosed with an open Iron Railing of such Pattern, Height, 'and other Particulars and Dimensions as should be from 'Time to Time approved by the said Commissioners of Her 'Majesty's Works and Public Buildings, their Successors or 'Assigns: And whereas the Sale by the said Commissioners 'of Her Majesty's Works and Public Buildings of the said 'Piece or Parcel of Land described in the said recited Agree-'ment to the said Commissioners of *Chelsea Hospital* aforesaid, 'at or for the Price or Consideration and upon the Terms 'respectively therein expressed, hath been approved of and 'authorized by the Lords of Her Majesty's Treasury, and it is 'desirable that the same should be carried into effect, in 'pursuance of the said Agreement; but in consequence of 'the Doubt recited or mentioned in the said Agreement 'whether the Power of Sale contained in the said Statute, 'Chapter Thirty-nine of the Statutes passed in the Session of 'the Ninth and Tenth Years of the Reign of Her said Majesty, 'extends to such Part of the said Piece or Parcel of Land as 'is distinguished by a Violet Colour in the said Plan to the 'said Agreement, it is necessary, for the Safety of the said

Agreement for the Sale approved by the Treasury.

'Purchasers

'Purchasers under the said Agreement, that the said Sale 'should be confirmed by Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Agreement confirmed.

I. The said Sale by the Commissioners of Her Majesty's Works and Public Buildings in and by the herein-before recited Agreement of the said Piece or Parcel of Land thereby described, and the Inheritance in Fee Simple thereof, at or for the Price or Consideration and upon the Terms respectively expressed in the said Agreement, shall be valid and effectual, and the same is hereby confirmed, in all respects as if the said Commissioners of Her Majesty's Works and Public Buildings were by the said recited Act of the Ninth and Tenth *Victoria*, Chapter Thirty-nine, authorized to sell the same, and the said Commissioners of Her Majesty's Works and Public Buildings are hereby authorized and directed, upon or after Payment by the Commissioners of *Chelsea Hospital* aforesaid of the said Price or Consideration of Sixteen thousand five hundred Pounds mentioned in the said Agreement, and in pursuance of the Provisions of the said Agreement, to convey the said Piece or Parcel of Land, and the Inheritance thereof in Fee Simple in possession, unto and to the Use of the Commissioners of *Chelsea Hospital* aforesaid, their Successors and Assigns, or as the Commissioners for the Time being of the same Hospital shall direct, subject to such Condition and Covenant respectively as are expressed in the said Agreement.

Short Title.

II. It shall be sufficient for all Purposes to cite this Act as "The *Chelsea Hospital* Purchase Act, 1858."

CAP. XXII.

An Act to abolish Franchise Prisons.

[14th *June* 1858.]

'WHEREAS it is expedient that the several Prisons mentioned in the Schedule to this Act, which are now used 'for the Confinement of Debtors, should be abolished:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

After Aug. 1, 1858, no Persons to be confined in the Prisons named in Schedule to this Act.

I. From and after the First Day of *August* One thousand eight hundred and fifty-eight, no Person shall be confined in any Prison or Gaol mentioned in the Schedule to this Act; and all Persons who, if this Act had not been passed, might have been confined in any such Prison or Gaol, shall be confined in the Common Gaol of the County or Riding in which such Persons respectively may be arrested.

All Writs, &c. authorizing Arrests to be executed by Bailiffs of Liberties, &c.

II. Provided always, That all Writs, Process, Warrants, and Authorities authorizing the Arrest of any Person within any Liberty or Franchise to which any of the Prisons and Gaols mentioned in the Schedule to this Act belongs who might, if this Act had not been passed, have been confined in such Prison or Gaol, shall be executed within such Liberty or Franchise by such Bailiff or Officer as might have executed the same if this Act had not been passed, and such Bailiff or Officer shall have all such Powers and Authorities for conveying such Person to the Common Gaol of the County as the Bailiffs of the Sheriff have in the Execution of Writs, Process, Warrants, or Authorities for the like Purposes, and the like Punishments and Penalties shall attach in the Case of an Escape or Rescue from the Bailiff or Officer of such Liberty or Franchise, or other Interference with such Bailiff or Officer in the Discharge of his Duty, as in the Case of an Escape or Rescue from or like Interference with the Bailiff of the Sheriff.

Prisoners confined on Aug. 1, 1858, in Prisons named in Schedule, to be removed to County Gaol.

III. Every Person who on the said First Day of *August* may be confined in any of the Prisons or Gaols mentioned in the Schedule to this Act shall, as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of such Prison or Gaol to the Common Gaol of the County or Riding in which he may have been arrested under the Writ or other Process for his Arrest and Imprisonment, and shall be by such Gaoler or Keeper delivered into the Custody of the Gaoler or Keeper of such Common Gaol, together with the Writ or other Process by virtue of which such Person was arrested and imprisoned, and all Writs or other Process lodged with such first-mentioned Gaoler or Keeper by virtue of which such Person was or might be detained in the Prison or Gaol from which he is so removed; and the Gaoler or Keeper of the said Common Gaol shall give a Receipt in Writing for every Person so removed to such Common Gaol; and the reasonable Expenses of such Removal shall be paid by the Treasurer of the County or Riding to the Common Gaol of which such Persons are so removed; and all Persons who may be lawfully confined in any of the Prisons or Gaols mentioned in the said Schedule on the said First Day of *August* shall, until removed as aforesaid, and for and during the Time of such Removal, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, unless and until they respectively be sooner discharged in due Course of Law; and all Persons so removed shall, after being delivered into the Custody of the Gaoler or Keeper of the Common Gaol of such County or Riding as aforesaid, be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Persons had been originally arrested in Parts of such County or Riding (not within any Liberty or Franchise), and not been originally imprisoned in such Common Gaol.

SCHE-

SCHEDULE.

Swansea Debtors Prison for the Liberty of Gower.
Newark Liberty Prison for Debtors.
Halifax Home Gaol for the Manor of Wakefield.
Gaol for the Forest and Forest Liberty of Knaresborough, belonging to the Duchy of Lancaster.
Gaol for the Borough and Township of Knaresborough, belonging to the Duchy of Lancaster.
Sheffield Debtors Gaol for the Liberty of Hallamshire.
Hexham Debtors Prison.

CAP. XXIII.

An Act for abolishing the Tolls now levied on the Bridge over the *Shannon* at *Portumna* in *Ireland*.

[14th *June* 1858.]

'WHEREAS by an Act passed in the Session of Parliament in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-one, it was enacted, amongst other things, that the then existing Bridge of *Portumna*, and all Tolls, Revenues, and Profits of the same, should be vested in the Commissioners of Public Works in *Ireland*, and that a new Bridge should be built as therein provided; and it was thereby enacted, that it should be lawful for the said Commissioners to take and receive certain Tolls for the passing over the said Bridge as therein set forth, and that the said Tolls should be applied in the first instance towards the Expense of repairing and maintaining the said Bridge, and in the next place towards the Repayment of any Public Monies theretofore advanced under any Acts for the Advance of Monies in aid of Public Works in *Ireland*, as therein referred to, and that the Surplus (if any) thereof should be applied in such Manner as the Commissioners for executing the Office of Lord High Treasurer should direct: And whereas previously to the passing of the said Act, and in the Year One thousand eight hundred and eighteen, there had been advanced out of the Public Monies, for the Purpose of completing the then existing Bridge at *Portumna*, a Sum of Two thousand seven hundred and sixty-nine Pounds Four Shillings and Eightpence, the whole of which at the Time of the passing of the said Act was due and owing to the said Commissioners of Public Works in *Ireland*: And whereas since the passing of the said Act the said Commissioners have received a Sum of One thousand three hundred and twenty-four Pounds Ten Shillings and Elevenpence only out of the Tolls payable in respect of the said Bridge, leaving a Balance of One thousand four hundred and forty-four Pounds Thirteen Shillings and Ninepence still due on foot of the said Sum of Two thousand seven

4 & 5 W. 4. c. 61.

'hundred and sixty-nine Pounds Four Shillings and Eight-'pence on the Thirty-first *December* One thousand eight 'hundred and fifty-seven: And whereas it would be of 'great Advantage to the Public that such Tolls should be 'abolished:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Clauses of 4 & 5 W. 4. c. 61. set forth in Schedule to this Act repealed.

I. From and after the First Day of *September* One thousand eight hundred and fifty-eight the Sections of the said Act of the Fourth and Fifth *William* Fourth, Chapter Sixty-one, set forth in the Schedule to this Act annexed, shall be and the same are hereby repealed, save as to any Matters or Things heretofore done or which have heretofore taken place under the Authority thereof.

Tolls of Bridge to cease.

II. From and after the said First Day of *September* One thousand eight hundred and fifty-eight all Tolls, Revenues, Rights, Emoluments, Income, and Benefits arising out of the said Bridge, and vested by the said Act in the said Commissioners of Public Works, shall cease, determine, and become void.

Bridge, &c. at Portumna vested in the Counties of Galway and Tipperary.

III. The Property in the said Bridge at *Portumna*, with the Approaches thereto, shall be deemed and taken to be the public Property of the County of *Galway* and of the County of *Tipperary* respectively, and (save as herein-after provided) shall henceforth be maintained and preserved at the Expense of the County of *Galway* and County of *Tipperary*, in equal Shares and Proportions; and the Grand Juries of the said Counties respectively shall and they are hereby required from Time to Time to make Presentment accordingly for such Repairs and Maintenance, without any Application to Presentment Sessions for that Purpose: Provided always, that the Part of the said Bridge forming the Draw Bridge or Swivel Bridge shall, for the Purposes of Navigation, be maintained by the said Commissioners of Public Works out of the Tolls of the *Shannon* Navigation, and be under the Control and Conservancy of the said Commissioners, to be made use of by them in like Manner as the other Swivel or Draw Bridges over the said River *Shannon*.

All Provisions, &c. of other Acts for rebuilding or repairing Bridge, &c. applicable to this Act.

IV. From and after the passing of this Act, all Enactments, Clauses, and Provisions in any Act or Acts of Parliament relating to the rebuilding, repairing, or maintaining or keeping in repair any Bridges in *Ireland*, whether made wholly or in part at the Public Expense or otherwise, or over Rivers forming the Boundaries between Two Counties or otherwise, shall be deemed and taken to apply to the said Bridge at *Portumna*, so far as the Facts and Circumstances shall admit.

SCHE-

SCHEDULE referred to in the foregoing Act,

Showing the Clauses of the Act Fourth and Fifth William the Fourth, Chapter Sixty-one, repealed by this Act.

Section - - -	16
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CAP. XXIV.

An Act to reduce the Stamp Duty on Passports.

[14th *June* 1858.]

'WHEREAS it is expedient to reduce the Stamp Duty 'on Passports:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That from and after the passing of this Act the Stamp Duty of Five Shillings now payable on a Passport shall be reduced to the Sum of Sixpence. Stamp Duty on Passports reduced to 6*d*.

CAP. XXV.

An Act to amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in *England*, and concerning Vaccination. [14th *June* 1858.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her 'Majesty (Chapter Ninety-two), "for enabling Courts of 'Justice to admit Non-parochial Registers as Evidence of 'Births or Baptisms, Deaths or Burials, and Marriages," 'Provisions were made for the Deposit in the General Register 'Office of certain Non-parochial Registers, and for making the 'same receivable in Evidence, and other Provisions were 'thereby made in relation to such Registers: And whereas by 'Commission under the Great Seal, bearing Date the First 'Day of *January* in the Twentieth Year of the Reign of Her 'Majesty, certain Persons were appointed Commissioners to 'inquire into the State, Custody, and Authenticity of any 'Registers or Records of Births or Baptisms, Deaths or Burials, 'and Marriages lawfully solemnized, kept in *England* or *Wales*, 'other than the Parochial Registers, and the Copies thereof 'deposited with the Diocesan Registrars, and which had not 'been inquired into and examined by certain former Commissioners, and also for inquiring whether any and what Measures 'could

3 & 4 Vict. c. 92.

'could be beneficially adopted for collecting and arranging all 'or any of such Registers or Records, and for depositing the 'same, or Copies thereof, in the Office of the Registrar General 'of Births, Deaths, and Marriages in *England*, or for otherwise preserving the same, and also for considering and 'advising the proper Measures to be adopted for giving full 'Force and Effect as Evidence in all Courts of Justice to all 'such Registers as were found accurate and faithful, and for 'facilitating the Production and Reception of the same: And 'whereas by the Report of the said Commissioners, bearing 'Date the Thirty-first Day of *December* One thousand eight 'hundred and fifty-seven, it appears that they have received 'Two hundred and ninety-two Non-parochial Registers or 'Records, and that of this Number Two hundred and sixty-five have after Examination, as in such Report mentioned, 'been judged by them to be accurate and faithful, and that a 'Certificate to that Effect, and signed by Three of the said 'Commissioners, has been affixed to each of such Two hundred 'and sixty-five Registers or Records; that there are certain 'Cases, however, where only some of the Entries have been 'found accurate and faithful, and that in these Cases the Certificate has been so framed as clearly to distinguish such 'Entries from the rest, and to confine the Sanction of the 'Commissioners to the unobjectionable Portion of the Registers; and a complete List of the Registers thus wholly or 'partially sanctioned by the said Commissioners is annexed to 'their Report in the Appendix (A.) thereto; and the said 'Commissioners have by their said Report recommended that 'a Bill be introduced into Parliament providing that the Registers or Records in the Custody of the said Commissioners, 'and certified in the Manner described (and herein-before 'mentioned), should be deposited in the General Register 'Office in the Custody of the Registrar General of Births, 'Deaths, and Marriages in *England*, and should then be 'deemed to be in legal Custody and be receivable in Evidence 'in all Courts of Justice, subject as in the said Report mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Registers to be deposited with the Registrar General.

I. The Registrar General of Births, Deaths, and Marriages in *England* shall receive and deposit in the General Register Office all the Registers and Records of Births, Baptisms, Deaths, Burials, and Marriages now in the Custody of the said Commissioners, and which they have by their said Report recommended to be deposited in the General Register Office in the Custody of the said Registrar General, and which are mentioned in Appendix (A.) to their said Report.

Certain other Registers may be deposited in

II. 'And whereas certain Non-parochial Registers and Records in addition to those mentioned in the said Report of 'the

'the said Commissioners were sent to them before the Date of 'such Report, but too late to allow of such Registers or Records 'being examined and reported on by them, and other Non-'parochial Registers or Records have been sent to them since 'the Date of their said Report:' It shall be lawful for One of Her Majesty's Principal Secretaries of State to appoint or authorize Three or more Persons to inquire into the State, Custody, and Authenticity of the Non-parochial Registers or Records of Births or Baptisms, Deaths or Burials, and Marriages, which have been sent to the said Commissioners as aforesaid, and have not been reported on by them, and such of the same Registers or Records as the Persons so authorized shall find accurate and faithful, they or Three of them shall certify under their Hands as fit to be placed with the other Registers and Records hereby directed to be deposited in the General Register Office, and the Registrar General, upon receiving the Certificate of such Persons and an Order of One of Her Majesty's Principal Secretaries of State for this Purpose, shall receive such Registers and Records and deposit them in the General Register Office.

the Office after Examination by Order of Secretary of State.

III. The Provisions of the said Act of the Third and Fourth Years of Her Majesty, from Section Five to Section Nineteen, both inclusive, and the Rules, Orders, and Regulations made under the said Act, shall extend and be applicable to the Registers or Records deposited in the General Register Office under this Act, in like Manner as the same are applicable to the Registers or Records deposited under the said Act of the Third and Fourth Years of Her Majesty.

Sections 5 to 19 of 3 & 4 Vict. c. 92. to extend to the Registers deposited under this Act.

IV. So much of the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, as enacts that the Salary of the Registrar General of Births, Deaths, and Marriages in *England* shall not at any Time exceed the Sum of One thousand Pounds yearly, shall be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint from Time to Time the Salary of the said Registrar General, so that the same shall not at any Time exceed the Sum of Twelve hundred Pounds yearly; the Salary so to be appointed to be deemed to include the Remuneration for all Duties which under any Act or Acts of Parliament the said Registrar General is or may hereafter be appointed or required to perform.

Power to increase Salary of Registrar General, but to include all Duties under this Act, &c.

V. 'And whereas by Section Twenty-five of the Act of the 'Session holden in the Sixth and Seventh Years of King '*William* the Fourth, Chapter Eighty-six, it was provided, 'that in every Case in which an Inquest should be held on 'any dead Body the Jury should inquire of the Particulars 'therein required to be registered concerning the Death, and 'the Coroner should inform the Registrar of the Finding of 'the Jury, and the Registrar should make the Entry accord-'ingly; and it was by Section Twenty-eight of the same Act 'enacted, that every Person by whom the Information con-'tained

Information of Particulars furnished by Coroner to be in Writing and signed by him, and Entry in Register need not be signed by him.

'tained in any Register of Birth or Death under that Act 'should have been given should sign his Name, Description, 'and Place of Abode in the Register, and no Register of 'Birth or Death according to that Act should be given in 'Evidence which should not be signed by some Person pro-'fessing to be the Informant, and to be such Party as was 'therein required to give such Information to the Registrar:'

The Information to be furnished to any Registrar by a Coroner, under the Provisions herein-before recited, shall be in Writing signed by the Coroner, which shall specify, in addition to the Particulars required as aforesaid, the Time and Place at which the Inquest was holden; and it shall not be necessary for the Coroner to sign his Name, Description, and Place of Abode in the Register, as required by Section Twenty-eight of the said Act; but the Registrar shall enter in the Column of the Register Book in which the Signature of the Informant of the Death is in other Cases required to be made a Memorandum as follows; "Information received from [*inserting the Name of the Coroner*], Coroner for Inquest held [*Date of Inquest*];" and any Register of Death containing such Entry shall be receivable in Evidence in like Manner as if signed by the Coroner as required by the Enactment in that Behalf herein-before recited; and the written Information furnished as aforesaid by the Coroner shall be kept by the Registrar until the Delivery by him to the Superintendent Registrar as required by Law, of a certified Copy of the Entry of such Death, and shall be delivered together with such certified Copy to the Superintendent Registrar, and shall be by him sent with such certified Copy to the Registrar General, and shall be thereafter kept in the General Register Office.

So much of 6 & 7 Vict. cc. 85. and 86. and 7 W. 4. & 1 Vict. c. 22. as provides that the Cost of Register Books, &c. to be paid to Registrar General, repealed.

VI. So much of the Acts of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapters Eighty-five and Eighty-six, and of an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Twenty-two, as provides that the Cost of Register Books of Births and Deaths, Marriage Register Books, and Forms of certified Copies thereof respectively, and of Marriage Notice Books furnished by the said Registrar General, shall be paid by Guardians, or by Churchwardens and Overseers, or by the Registering Officer of the Society of Friends called Quakers, or the Secretary of any Synagogue of Persons professing the Jewish Religion, and also so much of the said Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-five, as enacts that the Cost of Forms of Certificates for Marriages furnished by the said Registrar General to any Superintendent Registrar shall be accounted for by such Superintendent Registrar to the said Registrar General, shall be repealed.

So much of 16 & 17 Vict. c. 100. as

VII. 'And whereas by the Act of the Session holden in 'the Sixteenth and Seventeenth Years of Her Majesty, Chapter 'One

'One hundred, it was enacted, that the said Registrar General 'should within Two Months after the passing of that Act 'frame and provide such Books, Forms, and Regulations as he 'might deem requisite for carrying into full Effect the Provi- 'sions of that Act, and should transmit the same to the Super- 'intendent Registrars of each District in *England* and *Wales*, 'who should deliver to the Medical Officers appointed as in 'the said Act mentioned, and other duly qualified Medical 'Practitioners in the said District, such of the said Books, 'Forms, and Regulations as they might require for the Per- 'formance of the Duties imposed upon them by that Act, and 'the Expenses to be incurred by the Registrar General under 'the Provisions of that Act should be defrayed in the same 'Manner as the Expenses under the said Act of the Sixth and 'Seventh Years of King *William* the Fourth, Chapter Eighty- 'five:'

enacts that Vaccination Forms shall be furnished to Registrars, and delivered by them to Medical Officers and Practitioners, repealed.

The said Enactment, except so much thereof as directs the Registrar General to frame and provide such Books, Forms, and Regulations as therein mentioned, shall be repealed; and the Registrar General shall transmit from Time to Time to the Registrar of Births and Deaths in every Sub-District such Books, Forms, and Regulations as may be requisite for the Use of the Medical Officers appointed as in the said Act mentioned, and other duly qualified Medical Practitioners in the Sub-District; and every such Registrar shall deliver to such Medical Officers and Practitioners respectively, without requiring Payment for the same, such of the said Books, Forms, and Regulations as they may require for the Performance of the Duties imposed upon them by that Act.

Registrars to deliver Books, &c. to Medical Officers, &c. without requiring Payment for the same.

CAP. XXVI.

An Act to abolish the Property Qualifications of Members of Parliament. [28th *June* 1858.]

'WHEREAS by the several Acts and Parts of Acts hereinafter mentioned Provisions have been made for requiring, 'on the Part of Members of the House of Commons elected 'for *England* and *Ireland* respectively certain Qualifications in 'respect of Property: And whereas it is expedient that the 'said Provisions should be repealed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The several Acts and Parts of Acts herein-after mentioned, (that is to say,) an Act of the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for securing the Freedom of Parliament, by farther qualifying the Members to sit in the House of Commons*, an Act of the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act to enforce and render more effectual the Laws relating to the Qualification of Members to*

So much of 9 Anne, c. 5., 33 G. 2. c. 20., 59 G. 3. c. 37., 1 & 2 Vict. c. 48., 39 & 40 G. 3. c. 67., 40 G. 3. c. 38.

(I.), and 41 G. 3. c. 101., as relates to the Qualification of Members elected to serve in Parliament repealed.

to sit in the House of Commons, an Act of the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for further regulating the Qualification of Members to serve in the United Parliament of* Great Britain *and* Ireland, and an Act of the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Qualification of Members to serve in Parliament,* and so much of an Act of Parliament of *England,* and of an Act of Parliament of *Ireland,* respectively passed in the Fortieth Year of King *George* the Third, and respectively intituled *An Act for the Union of* Great Britain *and* Ireland, as provides that the Qualifications in respect of Property of the Members elected on the Part of *Ireland* to sit in the House of Commons of the United Kingdom shall be respectively the same as were then provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of *Great Britain* called *England,* unless any other Provisions should thereafter be made in that respect by Act of Parliament of the United Kingdom, and so much of an Act of the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for regulating, until the First Day of* May *One thousand eight hundred and two, the Trial of controverted Elections or Returns of Members to serve in the United Parliament of* Great Britain *and* Ireland *for that Part of the United Kingdom called* Ireland, *and for regulating the Qualification of Members to serve in the said United Parliament,* as relates to the Qualifications of Members elected to serve in Parliament, shall be repealed: Provided always, that the Repeal of the said recited Acts and Parts of Acts respectively shall not be construed to revive or re-enact any Act or Part of Act heretofore repealed by any of the said Acts or Parts of Acts respectively.

Repeal of Acts, &c. not to revive any heretofore repealed.

CAP. XXVII.

An Act to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in *Ireland,* and the Court of Chancery of the County Palatine of *Lancaster.* [28th *June* 1858.]

'WHEREAS it is expedient to amend further the Practice 'and Course of Proceeding in the High Court of Chan-'cery, the Court of Chancery in *Ireland,* and the Court of 'Chancery of the County Palatine of *Lancaster:*' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and fifty-eight, and may be cited and referred to as "The Chancery Amendment Act, 1858."

Short Title.

II. In

II. In all Cases in which the Court of Chancery has Jurisdiction to entertain an Application for an Injunction against a Breach of any Covenant, Contract, or Agreement, or against the Commission or Continuance of any wrongful Act, or for the specific Performance of any Covenant, Contract, or Agreement, it shall be lawful for the same Court, if it shall think fit, to award Damages to the Party injured, either in addition to or in substitution for such Injunction or specific Performance, and such Damages may be assessed in such Manner as the Court shall direct.

Power to Court of Chancery to award Damages in certain Cases

III. It shall be lawful for the Court of Chancery, if it shall think fit, to cause the Amount of such Damages in any Case to be assessed or any Question of Fact arising in any Suit or Proceeding to be tried by a Special or Common Jury before the Court itself; and the Court of Chancery may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury, for such Assessment of Damages or the Trial of such Question of Fact, as may be made by any of the Superior Courts of Common Law at *Westminster*, and may also make any other Orders which to the Court of Chancery may seem requisite; and every such Jury shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Assessment of Damages or the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials, the Court of Chancery shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof for the like Purposes; provided that from any Order made by the Court on an Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court.

Damages may be assessed or Question of Fact arising in any Suit may be tried by a Jury before the Court itself

IV. Any Question of Fact and any Question as to the Amount of Damages which shall be so ordered to be tried by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Chancery shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Questions ordered to be tried by Jury to be reduced into Writing.

V. It shall also be lawful for the Court of Chancery, if it shall think fit, to cause the Amount of such Damages in any Case

Damages may be assessed or Questions of

Fact tried before the Court itself without a Jury.

Case to be assessed, or any Question of Fact arising in any Suit or Proceeding to be tried before the Court itself without a Jury, and to cause the Evidence on the Trial of that Question to be taken by the oral Examination of Witnesses and other Proofs in open Court; and any Question of Fact, and any Question as to the Amount of Damages which shall be so ordered to be tried before the Court itself, shall be reduced into Writing in such Form as the Court shall direct; and the Verdict of the Judge shall be of the same Effect as the Verdict of a Jury under this Act; and the Proceedings upon and after such Trial, as to the Power of the Court, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury under this Act: Provided, that, in the Case of a Trial under this Section, any Person may apply for a new Trial, either to the Judge before whom the Trial was had, or to the Court of Appeal in Chancery.

Damages may be assessed by a Jury before any Judge of One of the Superior Courts of Common Law at Nisi Prius, or before the Sheriff of any County or City.

VI. It shall also be lawful for the Court of Chancery, in any Case in which it shall think fit so to do, to cause the Amount of such Damages to be assessed by a Jury before any Judge of One of the Superior Courts of Common Law at Nisi Prius, or at the Assizes, or before the Sheriff of any County or City, and for that Purpose to issue a Precept to the Sheriff of such County or City as the Court of Chancery shall think fit, or where the Sheriff is interested then to the Coroner, requiring him to return, summon, and impanel a Common or Special Jury for the Purpose aforesaid, in like Manner as is done in Cases of Writs of Inquiry at Common Law, which are to be executed before a Judge or before the Sheriff; and the Court of Chancery shall have Power to set aside the Verdict or Inquisition on such Inquiry, and to direct a new Inquiry, in such Manner and on such Terms as the Court shall think fit.

Where Parties are competent to make Admissions, any Party may call on any other Party to admit Documents.

VII. In any Case in which all Parties to a Suit are competent to make Admissions, any Party may call on any other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Cost of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless the Court shall certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is, in the Opinion of the Taxing Master, a Saving of Expense.

Sections 1, 2, 3, 4, 5, 6, and 7 of this Act to extend to Court of Chancery in Ireland.

VIII. Sections I., II., III., IV., V., VI., and VII. of this Act shall extend to and all the Powers therein contained may be exercised by the Court of Chancery in *Ireland* in all Suits and Proceedings within its Jurisdiction, and the Court may, for the Purposes of this Act, make such Rules and Orders upon the Sheriff, or any other Person, for procuring the Attendance of a Jury as may be made by any of the Superior Courts of Common Law at *Dublin*.

IX. The

IX. The Lord Chancellor of *Ireland*, with the Advice and Assistance of the Master of the Rolls and the Lord Justice of Appeal in *Ireland*, or either of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect as regards the Court of Chancery in *Ireland*, and for regulating the Times and Forms and Mode of Procedure, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates or any of them, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court.

Lord Chancellor, &c. in Ireland may make Rules for Procedure and for regulating Fees

X. Sections I., II., III., IV., V., VI., and VII. of this Act shall extend to and all the Powers therein contained may be exercised by the Court of Chancery of the County Palatine of *Lancaster* within the Jurisdiction of the said Court; and the Chancellor of the Duchy and County Palatine of *Lancaster*, with the Advice and Assistance of the Lords Justices of the Court of Appeal in the High Court of Chancery, or One of them, and of the Vice Chancellor of the County Palatine, may and they are hereby required from Time to Time to make such General Rules and Orders as may be necessary for assimilating the Procedure and Practice of the Palatine Court in respect of the Matters aforesaid to those of the High Court of Chancery, and for regulating the Fees and Allowances in respect thereof.

Sections 1, 2, 3, 4, 5, 6, and 7 of this Act to extend to Court of Chancery of County Palatine of Lancaster.

XI. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors, or any Three of them, may, and they are hereby required, from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court, in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court.

Lord Chancellor, &c. may make Rules for Procedure and for regulating Fees.

XII. All General Rules and Orders made in pursuance of the Powers contained in this Act shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or, if Parliament be not then sitting, within Five Days after the next Meeting thereof:

Rules and Orders to be laid before Parliament.

Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding.

CAP. XXVIII.

An Act to continue the Peace Preservation (*Ireland*) Act, 1856. [28th *June* 1858.]

19 & 20 Vict. c. 36.

'WHEREAS an Act was passed in the Nineteenth and 'Twentieth Years of the Reign of Her Majesty, Chapter 'Thirty-six, intituled *An Act for the better Preservation of the* '*Peace in* Ireland, which Act was to continue in force until 'the First Day of *July* in the present Year: And whereas it 'is expedient that the said Act should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Recited Act continued.

I. That the said recited Act shall continue in force until the First Day of *July* One thousand eight hundred and sixty, or, if Parliament be then sitting, until the End of the then Session of Parliament.

CAP. XXIX.

An Act for confirming a Scheme of the Charity Commissioners for Sir *Eliab Harvey's* Charity in the Town of *Folkestone*. [28th *June* 1858.]

5th Report, dated 26th Feb. 1858, approving Scheme for Harvey's Charity.

'WHEREAS the Charity Commissioners for *England* and '*Wales*, in their Report to Her Majesty of their Pro'ceedings during the Year One thousand eight hundred and 'fifty-seven, have reported that they have provisionally ap'proved and certified (among other Schemes for the Application 'and Management of Charities) a Scheme for Sir *Eliab Harvey's* 'Charity in the Town of *Folkestone*, and such Scheme is set 'out in the Appendix to the said Report, and is also set out 'in the Schedule to this Act: And whereas it is expedient 'that the said Scheme should be confirmed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

SCHE-

SCHEDULE.

SCHEME for the ADMINISTRATION of the CHARITY called "SIR ELIAB HARVEY'S CHARITY," at Folkestone, in the County of Kent.

1. The Charity shall be managed by the present and future trustees thereof, for the purposes and according to the provisions of this scheme, from the time herein-after appointed for its coming into operation.

2. The tan-house or tan-lade near the Stade at Folkestone, settled upon the trust that the same might be used in perpetuity by the freemen and other inhabitants of Folkestone, and the fishermen there, for tanning their nets, upon payment of certain sums to be applied to its repair and to the repair also of a farm-house at Lympne, in the same county, settled upon different charitable trusts, shall continue subject to the same trusts, except that the persons using the same shall make therefore such rateable payments only to the trustees as shall be required by them for its necessary repair, maintenance, and management. The trustees shall also be at liberty, in their discretion, to apply or set aside any sums of money, not exceeding altogether 5*l.* in any year, out of the rents of the said farm at Lympne, towards the expenses of the repair, maintenance, management, or improvement of the said tan-lade, and shall have power also to establish and enforce such reasonable orders for the government of the persons using the said tan-lade as in their judgment shall be necessary for securing or extending its benefit.

3 The former trusts for providing or appropriating any fisher-boats with the income of the Charity, and for apprenticing boys, otherwise than according to this scheme, shall cease, in order that the funds of the Charity may be more sufficient for the other beneficial purposes thereof to be hereby enlarged or established.

4. The school directed to be maintained out of the income of the Charity for teaching 20 poor children to write and read English, and (if willing) the Latin tongue, shall be open to so many boys, to be admitted thereto under the provisions of this scheme, as the income or funds from time to time applicable to the support thereof, and the sufficiency of the buildings and establishment of the said school, and other circumstances, shall, in the judgment of the trustees, permit or render expedient.

5. The instruction to be given in the said school shall comprise, besides reading and writing, the truths of the Christian religion and Scripture history, grammar, and English history and composition, the Latin and French languages, so far as shall be required by the trustees, arithmetic, algebra, and elementary mathematics, geography and the use of the globes, navigation, mapping, linear drawing, and land measuring, and such physical sciences most applicable to the industrial arts and

occupations, and such other subjects, as shall from time to time be required by the trustees for giving to all the scholars a sound practical education, enabling them to advance themselves in life.

6. The religious instruction to be given generally to the scholars shall be in accordance with the doctrines of the Established Church, except that boys whose parents or next friends shall object upon conscientious grounds to their receiving instruction in the catechism or distinctive doctrines of the Established Church, or attending its services, and shall claim for them in writing this exemption, shall be exempted from such instruction and attendance.

7. Subject to any different regulations which may from time to time be made by the trustees, with the assent of the mayor and aldermen of the borough of Folkestone, or, in case of difference, with the approval of the Board of Charity Commissioners for England and Wales, boys shall be admissible to the school at and after the age of eight years, and may remain therein until their completion of the age of sixteen years, or longer, with the special consent of the trustees.

8. The admission of boys and their removal shall belong to the trustees, under such regulations in this behalf as shall be established by them, with the assent of the said mayor and aldermen, or, in case of difference, with the approval of the said Board, a preference among applicants for admission being always given, cæteris paribus, to boys whose parents or next friends shall for the time being be inhabitants of the borough of Folkestone, and, as far as reasonably may be, to the sons of fishermen there; and a list of applicants for admission, in the order of their application, and stating their parentage, ages, and such other circumstances as shall be directed by the trustees, shall be kept by the master of the school, whose duty it shall be to receive such applications, and such list shall be open to examination by the trustees and the said mayor and aldermen, and every of them.

9. For providing sufficient funds in aid of the endowments for the maintenance and improvement of the school, and the reward and advancement of the scholars, such reasonable fees shall be paid by them as the trustees, with the assent of the said mayor and aldermen, or, in case of difference, with the approval of the said Board, shall from time to time require, not exceeding, for boys under the age of twelve years, the rate of 1*l.* per quarter, and for boys above that age, 2*l.* per quarter, such fees to be paid quarterly, in advance, and to be received by the master, or by such person as the trustees shall from time to time appoint, for their account and disposal; and the trustees shall pay one moiety of the net amount of such fees to the master for his use, and shall carry the other moiety thereof to the account of the school fund herein-after directed to be constituted by them; but the said fees may be remitted in any particular cases, wholly or partially, by the trustees and the

the said mayor and aldermen, or by the trustees, under any regulations established by them, with the assent of the said mayor and aldermen, or, in case of difference, with the approval of the said Board, to any number of scholars not exceeding ten at the same time, as a reward of superior merit, or on account of the comparative poverty of their parents or next friends, or for other sufficient reasons, and particularly to sons of fishermen resident in the said borough The books and stationery required by the scholars shall be provided by themselves.

10 The master of the school shall be appointed and shall be also removable by the trustees and the said mayor and aldermen jointly, or, in case of difference, then by either of the said bodies, with the approval of the said Board.

11. The master shall be permitted to receive boarders or private pupils to be instructed in the school, under such regulations and upon such terms as shall be made or authorized by the trustees; but such boarders or private pupils shall be taught and placed in the school indifferently with the other scholars, without any distinction of their position, instruction, or treatment in the school.

12. One or more of the houses on the Charity estate near the school-house at Folkestone shall be appropriated therewith by the trustees to the master of the school for his residence and for the uses of the school; and the net rents and profits of all the residue of the said houses and premises which shall remain after paying or providing for all the rates, taxes, or expenses of repair, maintenance, and insurance, and other outgoings payable in respect of all the said buildings and premises, shall be paid to the master for his use.

13. The accumulation of the rents and profits of the said farm at Lympne, which has been commenced by the trustees for replacing a principal sum of 323*l.* belonging to the Charity, and heretofore expended in the repair and improvement of the Charity estate, shall be continued by the trustees by means of their appropriation to that purpose of the yearly sum of 20*l.* out of the same rents and profits and out of the income of the prior accumulations, until, by means of such accumulations, which already exceed the sum of 200*l.*, the whole of the said sum of 323*l.* shall be made up, unless, upon the representation of the trustees to the said Board that the interests of the Charity will be more beneficially promoted by suspending or determining such accumulations, the said Board shall authorize such suspension or determination

14. The amount of all such accumulations, or so much thereof as shall not be otherwise applied under the following provisions, shall be invested by the trustees, with the approval of the said Board, in the purchase of real estate, to be settled upon the same trusts and for the same purposes to which the said farm at Lympne will be subject under or according to the provisions of this scheme, and until such purchase shall be made, the

dividends arising from the investment to be made of the said accumulations under the following provisions shall be applicable in the same manner as the rents of such real estate if purchased would be applicable.

15. Provided, nevertheless, that it shall be lawful for the trustees, with the approval of the said Board, and subject to any directions or conditions, under which such approval shall have been expressed, to apply all or any part of the said existing and future accumulations, instead of investing the same in the purchase of real estate under the foregoing provision, in or towards any permanent improvement of the school-buildings or of any other buildings or property of the Charity.

16. The Charity shall also be subject specifically to the provisions of the "Charitable Trusts Act 1853," and the "Charitable Trusts Amendment Act 1855," relating respectively to the improvement and leasing of Charity estates, and to all other provisions of the said Acts not inconsistent with this scheme.

17. All principal monies belonging, or which shall from time to time belong to the Charity, and which shall not be presently applicable and applied to other purposes under this scheme, shall be invested, with the approval of the said Board, in the public funds, either in the name of the Official Trustees of Charitable Funds, or in the names of four or more of the acting trustees, as their stock committee, and the dividends arising from such stock, and not otherwise appropriated by this scheme, shall be applicable as part of the general income of the Charity, and shall be paid for that purpose to or according to the direction of the managing trustees.

18. All the real estate belonging to the Charity when this scheme shall come into operation shall be vested by virtue thereof in the Official Trustee of Charity Lands, in trust for the managing trustees, and all real estate of the Charity subsequently acquired may be conveyed to such Official Trustee upon the same trust by order of the said Board.

19. The managing trustees shall from time to time pay out of the net rents and profits of the said farm and the general income of the Charity which shall remain after paying or providing for the payment of all rates, taxes, expenses of repair, and insurance, and other outgoings payable in respect of the premises, all expenses incident to the execution of the trusts, among which they may include the costs reasonably incurred by them in relation to the establishment of this scheme; and shall divide the ultimate residue of the same rents, profits, and income into two moieties, of which one shall be paid to the master of the school for his use, and the other moiety shall be carried to the account of a school fund, to be constituted by the trustees, and to be applied by them to the purposes hereinafter directed.

20. The trustees shall pay out of the said school fund the general expenses of warming, cleaning, and managing the school-

rooms and buildings; the wages of any servants necessarily employed for the purposes thereof; the salaries, so far as the fund will extend, of any additional teachers to be employed by the trustees in the school; and the costs of any other provisions to be made by them, with the approval of the said Board, for the extension of its benefits. They shall also be at liberty from time to time to appropriate, in their discretion, any proportion of the said fund, not exceeding altogether in any year a moiety thereof, to the increase of the emoluments of the master of the school.

21. The trustees shall cause a public examination of the scholars to be held in the month of June in every year, or at such time as shall be appointed for this purpose by the trustees, with the consent of the Board, by an examiner to be from time to time appointed by themselves, and may pay to such examiner any reasonable remuneration for the discharge of his duties, and they may also award prizes of any value, not exceeding altogether 5*l.* in any year, to the boys who, in proficiency evinced at such public examinations and in general diligence and conduct, shall be found to be most meritorious.

22. The remuneration of the said examiners and the prizes to be awarded to the scholars shall be provided out of the school fund, and all the residue thereof which shall remain after answering the payments herein-before directed or authorized to be made thereout, shall from time to time be applied by the trustees in apprenticing or otherwise advancing in life the most meritorious scholars of the said school on their leaving the same, a preference among the candidates for such advancement being always given, cæteris paribus, firstly, to the sons of fishermen resident in the borough of Folkestone, and secondly, to the sons of other inhabitants thereof.

23. The trustees shall hold meetings for auditing the accounts and transacting the general business of the Charity on the second Wednesday in each of the months of June and December in every year, or on such other days of the same months as shall have been appointed for that purpose by the trustees present at any previous meeting, or at such other times or time in every year as shall be approved for this purpose by the said Board, and also so often as shall be requisite for the due administration of the Charity; they shall also hold a meeting on the first Wednesday next after the time at which this scheme shall come into operation.

24. Special meetings of the trustees may be convened from time to time, as occasion shall be, by any two or more trustees, by notices delivered or sent by the post or otherwise to every other trustee, by the space of fourteen days at the least previously, in which the business to be discussed or transacted at such meeting shall be stated, and no other business shall be transacted thereat.

25. All notices required to be given to the trustees shall be sufficiently given by writing, either delivered personally or

addressed to them by the post at their usual or last known places of abode in England, and shall be so delivered or sent, where the circumstances of the case will permit, by the space of fourteen days at the least before the time of holding any meetings to which they shall respectively relate.

26. All meetings of the trustees shall be held in the borough of Folkestone, and, unless otherwise appointed by any such previous resolution as aforesaid, at noon, and in the school-house belonging to the Charity.

27. The trustees may, at their first or any subsequent meeting, appoint a permanent chairman of their meetings, and may make like appointments as often as occasion shall be, and may remove any such chairman at any subsequent meeting; provided that no proposal for the appointment of a permanent chairman, except at such first meeting, or for his removal, shall be made or dealt with at any meeting unless a previous notice of the intention to make such proposal shall have been given in manner aforesaid by the space of fourteen days previously at the least to every trustee other than the trustee making the proposal. If there shall be no permanent chairman, or in case of his absence from any meeting, the trustees present thereat may elect a chairman thereof, and in default of such election the senior of the trustees present, according to the dates or order of their appointment, shall be the chairman of such meeting.

28. Four trustees shall form a quorum at any meeting, and so soon as that number shall be present after the time appointed for holding the same, they shall proceed to the transaction of the business thereof.

29. The resolutions and proceedings of a majority of the trustees present at any meeting shall bind the minority and all absent trustees. In the event of there being an equality of votes at any meeting, the chairman shall have a second or casting vote.

30. If for the space of one hour after the time appointed for holding a meeting less than five trustees shall attend, the present trustees or trustee, if any, or otherwise the clerk to the trustees, may adjourn the same to some convenient period not distant less than seven days; and all meetings may be adjourned by the resolution of the trustees present thereat.

31. The trustees shall keep minute books, in which the names of the trustees attending each meeting and all the proceedings thereat shall be recorded, and the minutes of every meeting shall be signed by the chairman and countersigned by the clerk, if any.

32. The trustees, with the approval of the said Board, may from time to time establish, revoke, or vary any regulations for the government of their proceedings under or according to this scheme.

33. The trustees may employ a clerk and a receiver for the purposes of the Charity, who shall be respectively removable at

at their pleasure, or may vest both those offices in the same person, and may assign to every such clerk or receiver any reasonable salary or remuneration, to be accounted as part of the expenses incident to the discharge of the trusts.

34. It shall be the duty of the clerk, subject to any special orders of the trustees, to give notice to them of all general and adjourned and special meetings, and of all business to be transacted thereat, requiring previous notice, and to attend such meetings, and to enter and keep minutes of all proceedings thereat, and to keep also the accounts of the Charity, and to make all payments directed by the trustees to be made by him, and to perform all such acts relating to the Charity as they shall from time to time reasonably require.

35. The full number of the trustees shall be ten, and all vacancies in their body may from time to time be filled up by the surviving or continuing trustees, by election to be made at their first meeting, without previous notice, or at any other meeting, after special notice given of the intention to proceed to such election thereat; but every such election shall require the approval of the said Board of Charity Commissioners for England and Wales to its validity, and shall not be operative without or previously to such approval; and such election, in order to its being forthwith considered by the said Board, shall be certified to the said Commissioners, at the meeting at which the same shall have been made, by the chairman thereof, by writing under his hand, countersigned by the clerk, if any.

36. The present trustees, or such of them as shall be willing to act, shall continue to be trustees of the Charity, subject to such of the following provisions as shall be respectively applicable to them.

37. Every trustee to be hereafter appointed shall become disqualified, and his office shall become vacant, on his ceasing to reside within the borough, or within 20 miles from the parish church of Folkestone, and every present or future trustee also, who shall become bankrupt or insolvent, or shall be permanently resident out of the United Kingdom, or shall become incapable to act, or shall neglect to attend any meeting of the trustees during two consecutive years, or shall resign his office by writing addressed to the clerk, if any, of the trustees, or otherwise to the other trustees for the time being, shall, in any of the said cases cease to be a trustee.

38. This scheme shall come into operation at the expiration of two calendar months next after the passing of the Act establishing the same.

39. If any doubt or question shall arise among the trustees as to the proper construction or application of any of the provisions of this scheme, or the management of the Charity, application may be made by them to the Charity Commissioners for England and Wales for direction thereon, which direction, when given, shall be binding on the trustees; and any provision hereof which may be found inconvenient or insufficient, or to

to require to be more exactly adapted to the circumstances of the Charity for the time being, may be modified, explained, extended, or adapted accordingly, by an order either of the Court of Chancery or of the said Commissioners, to be made upon the application of the trustees, so that no such order shall involve any deviation from the main objects and principles of this scheme.

CAP. XXX.

An Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of *Bristol*. [28th *June* 1858.]

5th Report, dated 26th Feb. 1858, approving Scheme for Bristol Charities.

'WHEREAS the Charity Commissioners for *England* and '*Wales*, in their Report to Her Majesty of their Pro-'ceedings during the Year One thousand eight hundred and 'fifty-seven, have reported that they have provisionally 'approved and certified (among other Schemes for the Appli-'cation and Management of Charities) a Scheme for certain 'Municipal Charities in the City of *Bristol*, and such Scheme 'is set out in the Appendix to the said Report, and is also 'set out in the Schedule to this Act: And whereas it is 'expedient that the said Scheme should be confirmed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

SCHEDULE.

Scheme for the Application of certain Accumulated Funds and Surplus Income belonging to the following Charities in the City of Bristol now under the Administration of the Trustees of the Municipal Charities of that City, viz.:—Dr. Thomas White's Road Money and Loan Charities, Mary Ann Peloquin's Charity, George Harrington's Charity, Alderman Joseph Jackson's Charity, Sir Abraham Elton's Charity, Mrs. Anne Snigge's Exhibition Charity, George White's Exhibition Charity, and Robert Kitchen's Charity.

As to Dr. Thomas White's Road Money and Loan Charities.

1. The accumulated surplus funds of the above-mentioned Road Money Charity now in the hands of the trustees thereof (amounting, according to the account rendered by the said trustees for the year ending 30th September 1857, to the sum of 3,869*l.* 8*s.* 7*d.*,) shall be applied and appropriated by the trustees as follows, viz.:—

I. The sum of 700*l.* shall be invested by the said trustees in the public funds in augmentation of the endowment of Queen Elizabeth's

Elizabeth's Hospital in the said city of Bristol, and the dividends and income arising therefrom shall be appropriated and applied by the trustees towards the support of an additional number of boys at the said Hospital, to be selected from the natives of that portion of the present borough of Bristol which was added by the Municipal Corporations Act to the ancient city or borough.

II. The sum of 1,200*l.* shall be invested by the said trustees in like manner in augmentation of the endowment of the Free Grammar School in the city of Bristol, and the dividends and income arising therefrom shall be applicable to the general purposes of the same school.

III. The sum of 91*l.* 9*s.* 7*d.* shall be paid by the said trustees to the governors of Dr. Thomas White's Temple Hospital at Bristol, in discharge of an excess of expenditure incurred by such governors in the erection of their Livery House beyond the amount already paid to the said governors by the predecessors of the said trustees, in pursuance of an order of the Court of Chancery, dated 6th June 1822.

IV. The residue of the said sum of 3,869*l.* 8*s.* 7*d.* shall be invested by the said trustees in the public funds, and placed to the account of a fund to be called "The Grammar School Exhibition Fund," and the dividends and income to arise therefrom shall be applied by the trustees to the purposes hereinafter mentioned and directed with regard to the income of the said last-mentioned fund.

If in any future year or years there shall be any surplus income of the said Road Money Charity which shall not be required for the purposes of the same Charity, the amount of such surplus income shall be invested by the said trustees from time to time in the public funds, in augmentation of the endowment of the said Grammar School, and the dividends and income to arise from such investments shall be applied by the said trustees to the general purposes of the same school.

2. The annual payment or sum of 60*l.* now applicable under the trusts of the said Loan Charity in the grant of loans of 30*l.* each for two years to tradesmen of Bristol, shall continue to be applied by the said trustees in granting such loans as heretofore, if and so far as the same shall be required for that purpose; and the accumulated fund (amounting to the sum of 1,540*l.*) which has arisen from the annual payments heretofore received by the said trustees for the purposes of the said Loan Charity, shall be applied by the said trustees as follows, that is to say, the sum of 600*l.*, part of the said last-mentioned accumulated fund, shall be reserved and set apart by the said trustees as a permanent loan fund, which shall be applicable in future, in addition to the said annual payment of 60*l.*, in the grant of loans as heretofore; and the residue of the said last-mentioned accumulated fund shall be invested by the said trustees in the public funds, in augmentation of the endowment of the said Free Grammar School, and the dividends and income thereof shall be applicable to the general purposes of the same school.

3. The

3. The said permanent loan fund or sum of 600*l.* shall, with the aforesaid annual payment of 60*l.*, constitute in future the total amount applicable in the grant of loans in respect of the said Loan Charity, and the sums to be hereafter received by the trustees of the same Charity in repayment of loans already granted or to be hereafter granted, shall be applicable, in the first place, in making good any losses which may arise from time to time from the nonpayment of any loan or loans, so as to maintain the said permanent loan fund at the full amount of 600*l.*, and subject thereto, the amount of the sums to be so repaid to the said trustees shall be carried by them from time to time to the account of the income of the aforesaid "Grammar School Exhibition Fund," and shall be applicable as part of the income of the same fund, in the manner and for the purposes herein-after mentioned and directed in that behalf.

As to Mary Ann Peloquin's, George Harrington's, and Alderman Joseph Jackson's Charities.

4. The accumulated surplus funds belonging to these Charities respectively, now in the hands of the said trustees, and amounting, according to the account rendered by the said trustees for the year ending 30th September 1857,—

	£	s.	d.
As to Mary Ann Peloquin's Charity, to the sum of - - - -	1,217	6	10
As to George Harrington's Charity, to the sum of - - - -	68	10	0
And as to Alderman Joseph Jackson's Charity, to the sum of - -	29	4	0

shall respectively be invested by the said trustees in the public funds, and placed to the account of a fund to be called "The Freemen's Sons' Fund;" and if in any future year or years there shall be any surplus income of the same three Charities respectively, which shall not be required for the respective immediate objects thereof, the amount of such surplus income shall be invested by the said trustees from time to time in like manner, and placed to the account of the same last-mentioned fund; and the dividends and income to arise from the said "Freemen's Sons' Fund" shall be applied by the said trustees in maintaining at Queen Elizabeth's Hospital aforesaid so many sons of freemen of the city of Bristol, to be elected by the trustees, as the amount of such income shall from time to time permit; and subject to such conditions and regulations as the trustees may from time to time prescribe. Provided, nevertheless, that so far as such income may not be required for the foregoing purpose, the same may be appropriated and applied by the trustees to the general objects of Queen Elizabeth's Hospital aforesaid.

As to Sir Abraham Elton's Charity, and Mrs. Anne Snigge's and George White's Exhibition Charities.

5. The accumulated surplus funds of the three last-mentioned Charities respectively (consisting, according to the account

account rendered by the said trustees for the said year ending the 30th September 1857, as to Sir A. Elton's Charity, of the sum of 30*l.* 5*s.* 9*d.*; as to Mrs. Anne Snigge's Charity, of the sums of 550*l*, 3*l.* per cent. consols, and 38*l.* cash; and as to George White's Charity, of the sums of 300*l.*. 3*l.* per cent. consols, and 36*l.* 3*s.* 10*d.* cash,) shall be placed by the trustees to the account of the said fund called "The Grammar School Exhibition Fund," (the said several sums of cash being first invested by the said trustees in the public funds,) and the dividends and income thereof shall be applied by the trustees to the purposes herein-after mentioned and directed with respect to the income of the same last-mentioned fund; and all future surplus income of the same three Charities respectively, which shall not be required for the immediate purposes thereof, shall also be placed by the trustees from time to time to the account of the income of the said last-mentioned fund, and applied by them as part of such income.

AS TO ROBERT KITCHEN'S CHARITY (SO FAR AS REGARDS THE ANNUAL PAYMENT OR SUM OF 26*l.*, DISTRIBUTED IN PURSUANCE OF THE TRUSTS OF THE SAME CHARITY IN GIFTS OF 10*s.* EACH AMONGST THE POOR OF THE SEVERAL PARISHES IN THE CITY OF BRISTOL).

6. The accumulated surplus fund which has arisen from the above-mentioned annual payment of 26*l.* (amounting, according to the account rendered by the said trustees for the year ending 30th September 1857, to the sum of 69*l.* 10*s.*), and any future annual surplus of the same payment which shall not be required for distribution in the manner prescribed by the founder of the said last-mentioned Charity, shall be placed by the said trustees to the account of the fund for general charitable uses belonging to the same Charity, and shall be applied and disposed of by them to or for such charitable objects or purposes for the benefit of the poor of the city or borough of Bristol as the trustees, or the majority of them, shall from time to time determine.

AS TO "THE GRAMMAR SCHOOL EXHIBITION FUND" TO BE CREATED UNDER THE PROVISIONS OF THIS SCHEME.

7. The dividends and annual income arising from the investments and securities, which shall for the time being be placed to the account of this fund in pursuance of the provisions of this scheme, shall be applied by the trustees (so far as the same shall be required for the purpose) in providing two exhibitions, of the amount of 60*l.* each, for boys proceeding from the said school to any University in England (such exhibitions being respectively tenable for three years, and being subject in all other respects to the regulations respecting exhibitions which are contained in the scheme established and now in force under the authority of the Court of Chancery for the government of the said school), and the annual surplus or residue of such dividends and income which shall remain after providing such two exhibitions, or which shall not be actually required for that purpose,

purpose, shall be applied by the said trustees to the general purposes of the said Grammar School as part of the income thereof. Provided, nevertheless, that the trustees for the time being of the said Municipal Charities of Bristol shall be at liberty to increase the number of the exhibitions under this scheme whenever the income of the said exhibition fund shall permit, if and so far as the circumstances of the school shall, in the opinion of the trustees, require or justify such increase.

CAP. XXXI.

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of *Saint Nicholas* and *Saint Leonard* in the City of *Bristol.* [28th *June* 1858.]

5th Report, dated 26th Feb. 1858, approving Schemes for certain Charities in St. Nicholas and St. Leonard, Bristol.

'WHEREAS the Charity Commissioners for *England* and '*Wales*, in their Report to Her Majesty of their Pro-'ceedings during the Year One thousand eight hundred and 'fifty-seven, have reported that they have provisionally approved 'and certified (among other Schemes for the Application and 'Management of Charities) a Scheme for certain Charities in 'the Parishes of *Saint Nicholas* and *Saint Leonard* in the City 'of *Bristol*, and such Scheme is set out in the Appendix to 'their said Report, and is also set out in the Schedule to this 'Act: And whereas it is expedient that the said Scheme should 'be confirmed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

SCHEDULE.

SCHEME for the ADMINISTRATION and MANAGEMENT of the several CHARITIES in the Parishes of SAINT NICHOLAS and SAINT LEONARD, in the City of Bristol, herein-after mentioned or referred to.

1. The almshouse in the parish of Saint Nicholas, Bristol, founded in or about the year 1652, now under the management of the vestry of the said parish, and its site shall be legally vested in fee simple in the vicar and churchwardens of the same parish, and their successors, as a corporation for this purpose, upon trust that the same may be perpetually used and occupied by fifteen poor aged women of the said parish who shall possess the qualifications, and shall be admitted thereto as herein-after provided. And the said almshouse and its inmates shall be under the management and direction of a governing body, to be called the Almshouse Committee, to consist of the said vicar and churchwardens and eight other persons to be appointed from time to time as may be necessary for constituting or keeping up their number by the vestry of the said parish, and to be removable in like manner.

2. The

2. The inmates shall be appointed by such Committee, and shall be respectable poor women of irreproachable character of not less than fifty years of age, who shall have been resident in the said parish for not less than five years immediately preceding their admission, and shall not have been in the receipt of parochial relief during any part of the last of such years; and that as between applicants whose claims or merits shall be considered by the Committee to be in other respects equal, a preference shall be given to persons in decayed circumstances or condition reduced by unavoidable misfortune or calamity.

3. The vestry of the said parish, or the trustees or others having the disposal of the income arising from the several charitable endowments mentioned in the first schedule hereto heretofore distributable in pecuniary doles or bread or other articles in kind among the poor of the said parish, and of the proportion which is equal to 84*l.* 10*s.* 1*d.* out of every 100*l.* heretofore applicable in like manner of the net rents and profits arising from the property called the Forlorn Hope estate, in the present parish of Saint Paul, Bristol, shall from time to time pay out of such income of each kind, to or for the disposal of the said Almshouse Committee, the clear yearly sum of 200*l*, or such less yearly sum as shall be equal to one-third part of the net amount of such income, to be applied by the said Committee to the repair and maintenance, and, if occasion shall be, to the improvement or extension of the said almshouse, and to the support and benefit of the inmates thereof appointed under this scheme. And the said Committee shall have a discretionary power to apply any proportions of the monies applicable to the support and benefit of the said inmates in providing for them fuel, clothing, food, attendance in sickness or infirmity, medical aid, or other necessaries, and in direct pecuniary allowances to them, or in any of the said modes, as the said Committee shall think fit. The said Committee shall also have power to make any such payments or allowances which, under the circumstances of the case, they may consider expedient, to any persons who shall be inmates of the said almshouse when this scheme shall come into operation, and to permit also such persons to remain therein for such respective periods as in the judgment of the said Committee shall be convenient.

All payments directed to be made to or for the disposal of the said Committee may be made to such treasurer, bankers, or other persons as shall from time to time be appointed by them for the purpose of receiving the same.

4. Suitable regulations shall be established by the said Committee, with the approval of the Board of Charity Commissioners for England and Wales, for the direction of their own proceedings, and for the administration, management, and government of the said almshouse, and its endowments, and the inmates thereof, in conformity to this scheme, and such regulations may from time to time be added to or varied by the Committee for the time being, with the like approval.

5. All

5. All the residue of the net income arising from the several charitable endowments enumerated in the first schedule hereto, and of the before-mentioned proportion of the net rents and profits of the Forlorn Hope estate, and the net dividends also arising from the several stocks mentioned in the second schedule hereto, with the exception of 200*l.*, part of the therein mentioned sum of 798*l.* 10*s.* 6*d.* 3*l.* per cent. consolidated annuities, the gift of Richard Aldridge, all which said dividends have been also hitherto distributable in pecuniary doles, or bread, or other articles in kind among the poor of the said parish, and also so much of the dividends of the said excepted sum of 200*l.* stock as is now eventually applicable to the like purposes; and also all the dividends arising from a sum of 466*l.* 2*s.* 9*d.* 3*l.* per cent. consolidated bank annuities, constituting a fund called the Almshouse School Fund, standing in the names of Peter Maze the younger, William Henry Terrell, John Smith, and William Hassell, Esquires, and being the investment of contributions formerly made for the support of a parochial school in the said almshouse, or in a building attached thereto, for the benefit of the poor of the said parish of Saint Nicholas, but which school has been discontinued; and, lastly, an annuity of 41*l.* created by the will of William Pennoyre, dated in the year 1670, and distributable, as to the sum of 5*l.*, in pecuniary doles among the poor of the parish of St. Leonard, Bristol, and as to the residue to educational purposes for the benefit of the same poor, shall altogether constitute a fund, to be called, for the purposes of this scheme, "The Saint Nicholas and Saint Leonard Parochial School Fund," and shall be applicable from time to time in aid or towards the support of the parochial schools recently established, or in a course of construction and establishment by principal inhabitants of the said parishes of Saint Nicholas and Saint Leonard, with the aid of certain public grants, for the joint instruction of the children of the poor of both the same parishes, and for the benefit of the children attending the same schools, as herein-after provided, and shall be paid for such purposes by the respective vestries or trustees of the said several charitable endowments, or other persons liable to pay the same respectively to, or for the disposal, or according to the directions of the School Committee herein-after constituted, or, with the assent of such School Committee, directly to or for the use of the managers of the said parochial schools for the time being, by the hands of their treasurer or other officer authorized to receive the same.

6. The application of the said "Saint Nicholas and Saint Leonard Parochial School Fund" shall belong to or be under the supervision of a Committee, to be called "The Saint Nicholas and Saint Leonard School Committee," and to consist of the vicar and churchwardens for the time being of each of the said parishes of Saint Nicholas and Saint Leonard, and twelve other persons, of whom eight shall be appointed, as occasion shall be for constituting or completing their number, by

by the vestry of the said parish of Saint Nicholas, and shall be removable in like manner, and the remaining four shall be appointed, and shall be also removable in like manner, by the vestry of the said parish of Saint Leonard.

7. Such a proportion of the said school fund as shall be approved by the said School Committee shall from time to time be appropriated under their inspection, and to their satisfaction, to the purpose of providing, so far as the amounts appropriated to this purpose will extend, one or more daily meals, either gratuitously or at a reduced cost, for all the children attending the said schools, or for any such children to whom the distance of their residence from the schools, or the poverty of their parents or next friends, or other circumstances, shall render this provision most beneficial, or to whom this benefit may be assigned by the managers of the schools as a reward of merit, in order particularly to the exemption of such children from the difficulties and loss of time incident to their passing to and from the said schools, and to the promotion of their comfort therein, and the relief of their parents or next friends; and the residue of the said school fund shall be applicable to the general support and purposes of the said schools, either directly by the School Committee, or by means of its transfer by them for that purpose to the managers of the said schools. Provided always, and it shall be part of the terms upon which the said school fund shall be appropriated in manner aforesaid, that reasonable regulations shall be made by the managers of the said schools for exempting children, for whom this exemption shall be claimed in writing by their parents or next friends, dissenting from the Established Church, from receiving compulsorily instruction in the catechism or distinctive doctrines of the Church, and from attending its services.

8. The said School Committee, subject to the approval of the Board of Charity Commissioners for England and Wales, may make and establish, and from time to time extend, revoke, or vary, regulations not inconsistent with this scheme in relation to their proceedings, and to the administration and management of the said parochial school fund, and the discharge of the duties hereby imposed on them.

9. At all meetings of either of the Committees hereby constituted five members thereof shall be sufficient to form a quorum, and a majority of the members present shall be competent to bind by their votes a minority and all absent members, and in case of an equality of votes the chairman shall have a second or casting vote. The vicar of the said parishes, if present, shall be the chairman of every such meeting, and in his absence the chairman shall be elected by the members present.

10. This scheme shall commence and take effect from and after the first day of January next after the establishment thereof by the authority of Parliament, but the trustees or administrators of the several Charities comprised therein shall be at liberty to continue any allowances of money or in kind for a period not exceeding twelve calendar months from that date,

or with the consent of the Board of Charity Commissioners for England and Wales, for any longer period or periods to any then recipients of such allowances to whom, on account of any special circumstances, the said trustees or administrators shall consider it desirable to continue such allowances.

11. If any doubt or question shall arise between the members of either of the said Committees, or among any persons liable to make any payments under this scheme, as to the proper construction or application of any of the provisions thereof or the management of the Charity, application may be made by the said parties respectively, or any of them, to the Board of Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be binding on all parties; and any provision in this scheme which may require to be explained, or more closely adapted to the circumstances for the time being of the Charity, may be explained and adapted accordingly by an order either of the Court of Chancery or of the said Board, to be made upon the application of either of the said Committees; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery upon the application of either of the said Committees, provided that no such alteration shall be made involving a deviation from the main objects and principles of this scheme.

First Schedule referred to above.

Name of Donor or Founder.	Particulars or Nature of Endowment.	Annual Income.		
	Fixed Annual Sums.	£	s.	d
William Tucker -	Annual sum charged partly on real estate, and partly on funds, both under the management of the vestry of the parish of St. Nicholas.	2	0	0
John Brown - -	Same charged on house in Red Cross Street, and due to the stated Charities, in two of every three years.	1	6	8
John Matthews -	Same charged on real estate under the management of the same vestry.	2	0	0
George Snow - -	Same charged on house in Tucker Street, Bristol.	1	0	0
Elizabeth Tudor -	Same charged on house in Thomas Street, Bristol.	0	10	0
Abraham Birking -	Same on land at Barton Regis -	2	0	0
Michael Deyos -	Same on house on the Back, Bristol -	2	12	0
	Real Estate yielding Rent Service.			
Alice Webb - -	Houses and garden in Lewin's Mead, Bristol, present rents.	7	10	0
	Carried forward -	18	18	8

Name of Donor or Founder.	Particulars or Nature of Endowment.	Annual Income. £	s.	d
	Brought forward - -	18	18	8
	Principal Monies all in the hands of the Vestry of the Parish of Saint Nicholas, and as Part of their General Stock charged on the Parish or Church Estate. £			
William Pitt - -	- - - 50 - - -	2	12	0
Joan Mitchell - -	- - - 10 - - -	0	10	0
Charles Reynon -	- - - 20 - - -	1	0	0
John Reed - -	- - - 20 - - -	1	0	0
William Evans -	- - - 10 - - -	0	10	0
James Croft - -	- - - 50 - - -	2	10	0
William Jackson -	- - - 50 - - -	2	10	0
William Bailey -	- - - 50 - - -	2	10	0
John Williams -	- - - 10 - - -	0	10	0
Christopher Wallis -	- - - 30 - - -	1	10	0
Joseph Whitechurch	- - - 20 - - -	1	0	0
John Britam - -	- - - 20 - - -	1	0	0
Alice James - -	- - - 20 - - -	1	0	0
Richard Leversedge -	- - - 50 - - -	2	10	0
John Gaskarth -	- - - 30 - - -	1	10	0
John Haythorne -	- - - 10 - - -	0	10	0
John Stephens -	- - - 20 - - -	1	0	0
Thomas Hungerford	- - - 50 - - -	2	10	0
Gregory Bush -	- - - 50 - - -	2	0	0
Pane Weston - -	- - - 20 - - -	0	16	0
Richard Willett -	- - - 24 - - -	0	19	2
Nathan Drew - -	- - - 12 - - -	0	12	0
Thomas Hungerford, jun.	- 50 - - -	2	10	0
Walter Lougher -	- - - 100 - - -	4	0	0
Mary Potter - -	- - - 25 - - -	1	0	0
Mary Packer - -	- - - 100 - - -	4	0	0
Thomas Terrett -	- - - 10 - - -	0	10	0
Mary Innys - -	- - - 200 - - -	8	0	0
	Total income - -	69	7	10

SECOND SCHEDULE.

A sum of 798*l.* 10*s.* 6*d.* 3*l.* per cent. consolidated bank annuities, standing in the names of Peter Maze, junior, William Henry Terrell, John Smith, and William Hassell, and arising from the several gifts of—

Henry Bright,	Abraham Wigginton,
John Help,	Benjamin Hill,
James Stevens,	Richard Aldridge, and
Mary Bannister,	—— Henderson

A sum of 126*l.* 13*s.* 4*d.* 3*l.* per cent. reduced annuities, standing in the names of the same persons, and arising from the gifts of Elizabeth Holmes and Mary Holmes.

A sum of 105*l.* new 3*l.* per cent. annuities, standing in the names of the same persons and arising from the gift of Robert Salmon.

CAP. XXXII.

An Act to make valid certain Acts of the late Chief Justice of *Bombay*. [12th *July* 1858.]

'WHEREAS Sir *William Yardley*, Knight, late Chief 'Justice of the Supreme Court of Judicature at *Bombay*, 'in the Month of *December* last transmitted to the Board of 'Commissioners for the Affairs of *India* a Notification of his 'Intention to resign his said Office of Chief Justice on the 'Ninth Day of *April* One thousand eight hundred and fifty-'eight, and Her Majesty, by Letters Patent under the Great 'Seal of the United Kingdom, bearing Date the Twenty-second 'Day of *February* One thousand eight hundred and fifty-eight, 'appointed Sir *Henry Davison* Chief Justice of the said Court: 'And whereas the said Sir *William Yardley* continued to act 'as Chief Justice of the said Court until the said Ninth Day 'of *April* One thousand eight hundred and fifty-eight; but it 'is apprehended that the Appointment of the said Sir *Henry* '*Davison* operated to revoke as from the Date of the said 'Letters Patent the Appointment of his Predecessor: And 'whereas it is expedient that the Acts of the said Sir *William* '*Yardley* should be made valid:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts of Sir W. Yardley as Chief Justice up to 9th April 1858 confirmed.

I. All Acts, Matters, and Things whatsoever done, ordered, or authorized by the said Sir *William Yardley* in or in relation to the Supreme Court of Judicature at *Bombay*, between the Date of the said Letters Patent and the Ninth Day of *April* One thousand eight hundred and fifty-eight, shall be as valid and shall have the same Force and Effect as if his Appointment as Chief Justice of the said Supreme Court had not been revoked or determined.

CAP. XXXIII.

An Act for the better Management of County Rates. [12th *July* 1858.]

'WHEREAS by an Act passed in the Fifteenth and Six-'teenth Years of the Reign of Her present Majesty, 'Chapter Eighty-one, intituled *An Act to consolidate and amend* '*the Statutes relating to the Assessment and Collection of County* '*Rates in* England *and* Wales, the Justices of the Peace of the 'several

15 & 16 Vict. c. 81.

'several Counties or Divisions of Counties in *England* and '*Wales* are respectively empowered to appoint a Committee 'for the Purpose of preparing a Basis or Standard for fair and 'equal County Rates to be made in their respective Counties 'and Divisions: And whereas by the Fifty-first Section of the 'said Act it is amongst other things declared that in the Con-'struction of the said Act the Word "County" shall mean 'and include any Riding or Division having a separate Commis-'sion of the Peace or separate County Treasurer: And whereas 'certain Counties having One Commission of the Peace are for 'certain Purposes divided into separate Divisions, each Division 'having a separate County Treasurer, and such Divisions have 'been unequally assessed, and Doubts are entertained con-'cerning the Application of the said Act in such Counties, and 'it is expedient that the Provisions of the said Act should be 'deemed and declared to be applicable to such Counties gene-'rally, and not to separate Divisions thereof particularly:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of 15 & 16 Vict. c. 81. to apply to Counties having separate Divisional County Treasurers.

I. In any County having One Commission of the Peace, and being divided into separate Divisions, having each a separate County Treasurer, the Provisions of the Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-one, for the Purpose of preparing the Basis or Standard as aforesaid, may be taken and considered to apply to the whole of such County generally, and not to separate Divisions thereof particularly, notwithstanding any Provision contained in the Fifty-first Section of the said Act.

Justices of Divisions to raise all County Rates and to administer all Disbursements thereout in such Divisions as heretofore.

II. The Justices of such Divisions shall nevertheless at their General or Quarter Sessions of the Peace, or at any Adjournment thereof, raise all County Rates and administer all Disbursements thereout in respect of Expenses incurred in and for such Divisions, in like Manner as they may have heretofore been accustomed to raise and administer the same in such Divisions: Provided always, that the Justices usually acting in Two or more of such Divisions may, if they shall think fit, at any General or Quarter Sessions of the Peace to be held in each of such Divisions by an Order of such several Sessions, agree to raise and administer such Disbursements jointly, and such Divisions shall, on and after the making of such Orders as aforesaid, be considered for the Purposes aforesaid as One Division only and not separate Divisions: Provided also, that any Sum heretofore levied or which may be levied hereafter for Expenses incurred generally for the whole of any such County shall be levied and paid by the Divisions of such County, in proportion to the total Assessment of such Divisions respectively, as ascertained by the Basis or Standard aforesaid.

CAP. XXXIV.

An Act to continue "The Railways Act (*Ireland*), 1851." [12th *July* 1858.]

'WHEREAS an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Seventy, intituled *An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act*, 1845, *so far as relates to* Ireland, which Act was to continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament: And whereas by an Act passed in the Session of Parliament held in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter Seventy-two, the said first-recited Act was continued for One Year next after the passing of that Act, and thence to the End of the then next Session of Parliament: And whereas it is expedient that the said first-recited Act should be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

14 & 15 Vict. c. 70.

19 & 20 Vict. c. 72.

Recited Act continued.

I. That the said first-recited Act shall continue in force for One Year next after the passing of this Act, and thence to the End of the then next Session of Parliament.

CAP. XXXV.

An Act to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the *French* relative to *Portendic* and *Albreda*. [12th *July* 1858.]

'WHEREAS a Convention was, on the Seventh Day of *March* One thousand eight hundred and fifty-seven, concluded between Her Majesty and His Majesty the Emperor of the *French*, of which the Ratifications were exchanged on the Twenty-seventh Day of the same Month, whereby it was agreed as follows:

'"ARTICLE I.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* relinquishes the Right hitherto enjoyed, under Treaty, by the Subjects of Her *Britannic* Majesty, of trading from the Mouth of the River *St. John* to the Bay and Fort of *Portendic* inclusively.

'"ARTICLE II.—His Majesty the Emperor of the *French* cedes to Her *Britannic* Majesty the *French* Factory or Comptoir at *Albreda*, on the North Bank of the River *Gambia*, on the Western Coast of *Africa*

'together

" together with all possessory or other Rights whatever
" appertaining to the said Factory.

' " ARTICLE III.—Her *Britannic* Majesty consents
" that *French* Subjects shall have free Access to the River
" *Gambia* for the Purposes of their Commerce. They
" shall be allowed to reside at the Town of *Bathurst*, and
" at such other Trading Station or Stations as may here-
" after be appointed by Her *Britannic* Majesty in Council,
" but not elsewhere; except so far as regards *Albreda*,
" where such *French* Subjects as are now resident and
" may wish to remain, are authorized so to do by Article
" IV. of the present Convention, conforming themselves,
" however, to the Laws and local Regulations which are or
" may be in force in the *British* Settlements in the *Gambia*.
" *French* Vessels in the River *Gambia* shall be subject
" to the same Duties, Tolls, and Regulations as *British*
" Vessels; and every Article imported or exported in
" *French* Vessels shall pay the same Duty as is or may be
" imposed upon the like Article when imported or exported
" in *British* Vessels. The *French* Government shall be
" allowed to maintain a Consular Agent at *Bathurst*; it
" being clearly understood that such Consular Agent must
" first be approved and admitted in the usual Manner by
" the Government of Her *Britannic* Majesty.

' " ARTICLE IV.—*French* Subjects already settled at
" *Albreda*, and who may wish to remain there after the
" Cession to Her *Britannic* Majesty of the *French* Factory
" or Comptoir, shall preserve their Property, and the
" Rights attached thereto, and shall be protected and
" treated in all respects in the same Manner as all other
" *French* Subjects in the Possessions of Her *Britannic*
" Majesty."

' And whereas Doubts are entertained whether certain of
' the Provisions of the said Convention are consistent with
' certain Provisions concerning the Coasting Trade of the
' *British* Possessions contained in an Act of the Session holden
' in the Sixteenth and Seventeenth Years of Her Majesty, 16 & 17 Vict.
' Chapter One hundred and seven, " to amend and consolidate c. 107.
' " the Laws relating to the Customs of the United Kingdom,
' " and of the *Isle of Man*, and certain Laws relating to Trade
' " and Navigation, and the *British* Possessions :"' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The above recited Convention is hereby confirmed, and shall be deemed to have full Force and Operation, anything in the said recited Act or in any other Act of Parliament notwithstanding. Recited Convention confirmed.

CAP. XXXVI.

An Act for releasing the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds.

[12th *July* 1858.]

'WHEREAS the Commissioners for the Exhibition of 1851 have purchased Lands at *Kensington Gore* with a 'view to secure adequate Space in the Metropolis for Institutions connected with Science and Art: And whereas in aid 'of the Funds of the said Commissioners, arising from the 'said Exhibition, which were applied to such Purchases, Two 'several Sums of One hundred and fifty thousand Pounds and 'Twenty-seven thousand five hundred Pounds were granted 'by Parliament in the Sessions holden in the Sixteenth and 'Seventeenth and in the Seventeenth and Eighteenth Years 'of Her Majesty, and it was agreed, on the Issue of such 'Sums, that the Lands purchased as aforesaid should be held 'subject to such Directions of Appropriation as should from 'Time to Time be issued by the Treasury in respect to such 'Part, not exceeding One Moiety, as should by Agreement 'between the Lords of the Treasury and the said Commissioners for the Exhibition be set apart for such Institutions 'connected with Science and Art as were more immediately 'dependent upon and supported by the Government from 'Funds voted by Parliament, and subject also, with respect 'to the other Part thereof, to such general Superintendence 'by the Lords of the Treasury as might be necessary to secure 'that the Appropriation proposed to be made, and all the 'Arrangements in relation thereto, as regards Buildings to be 'erected thereon, should be in conformity with some general 'Plan, which should be adopted as applicable to all Parts of 'the Property, whether such Buildings should be erected from 'Public Monies or by private Subscription: And whereas the 'said Commissioners have proposed to repay the Sums granted 'by Parliament as aforesaid, together with a Moiety of the net 'Rents received by the said Commissioners up to the Thirty-first Day of *March* last, amounting to Three thousand eight 'hundred and seventy-nine Pounds Four Shillings and Twopence (making, together with the Sums granted as aforesaid, 'the Sum of One hundred and eighty-one thousand three 'hundred and seventy-nine Pounds Four Shillings and Twopence), upon having the said Lands released from the Trusts 'or Obligations created in respect of the Sums granted as 'aforesaid: And whereas it is expedient that the said Proposal 'should be accepted, subject to such Provision as is hereinafter contained with reference to a Part of the said Lands of 'which the Possession may be retained for the Purposes of the 'Department of Science and Art:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

mons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lands purchased by Commissioners for the Exhibition of 1851 to be released on Repayment of Parliamentary Grants and Moiety of Rents.

I. Upon Payment by the Commissioners for the Exhibition of 1851 of a Sum or Sums amounting together to the said Sum of One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence into the Receipt of the Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, the Commissioners for the said Exhibition, and all the Lands purchased or to be purchased by or in the Name of such Commissioners, shall be absolutely released and discharged from the Agreement herein-before recited, and from all Trust, Obligation, Control, Claim, and Demand to which such Lands may be subject in respect of the Sums granted by Parliament as aforesaid: Provided always, that if such Payment be not made within Six Months from the passing of this Act, there shall be added to the said Sum a further Sum equal to One Half of the net Rental which shall accrue to the Time when such Payment shall be made.

Land occupied by the Department of Science and Art may be retained for such Department.

II. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury to require that Part of the said Lands now in the Occupation of the Department of Science and Art, that is to say, the Piece of Land containing Twelve Acres or thereabouts, bounded on the West by *Exhibition Road* and on the South by *Cromwell Road*, with the Museum, Gallery, and other Buildings thereon, shall be retained in the Occupation and for the Use of Her Majesty's Government for Purposes connected with Science or the Arts, so long as the said Commissioners of the Treasury think fit, with Liberty to erect, add to, or alter any Buildings on the said Piece of Land, and, if such Commissioners of the Treasury think fit, to cause to be taken down, removed, and disposed of all or any of the Buildings which have been already erected or which may hereafter be erected thereon; and it shall be lawful for the Commissioners of the Treasury to direct that the Payment of such Portion of the said Sum of One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence as they may think fit, not exceeding what may appear to them to be the Value of the said Piece of Land, may be postponed so long as such Piece of Land is so retained as aforesaid; and upon Payment in manner herein-before mentioned of the Residue of the said Sum of One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence, after Deduction of the Amount of which the Payment may be so postponed, the said Commissioners of the Treasury shall, by Warrant under the Hands of Two of such Commissioners, declare that the Residue of the said Lands shall be absolutely released and discharged from the said Agreement, and all such Trust, Obligation, Control, Claim, and Demand as aforesaid, and the same shall be released and discharged accordingly.

III. All

Monies paid to be carried to the Consolidated Fund.

III. All Monies paid into the Receipt of the Exchequer under this Act shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

CAP. XXXVII.

An Act to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of *Hainault* in the County of *Essex*.

[23d *July* 1858]

14 & 15 Vict c. 43.

'WHEREAS by an Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of Her Majesty's Reign, intituled *An Act for disafforesting the Forest of* Hainault *in the County of* Essex, after reciting (amongst other things) that the Queen's most Excellent Majesty, in right of Her Crown, was or claimed to be seised to Herself, Her Heirs and Successors, of and in *Waltham Forest*, formerly called the Forest of *Essex* in the County of *Essex*, One Portion of which was usually called or known by the Name of *Hainault Forest;* and reciting that Her Majesty, in right of Her Crown, was or claimed to be seised to Herself, Her Heirs and Successors, of the Soil of that Portion of the said Forest of *Hainault* which was commonly called the *King's Forest* or *King's Woods*, and of the Timber and other Trees, Bushes, and Underwood standing and growing thereon, and that the said Forest of *Hainault* was subject to divers Claims or Rights of Common and other Rights and Interests of Her Majesty's Subjects in and over the same, and that Her Majesty had been graciously pleased to signify Her Consent that the said Forest of *Hainault* should be disafforested, and the Royal Deer therein removed or destroyed with all convenient Speed; it was enacted that the now-reciting Act should be carried into execution by Commissioners to be appointed as therein directed, and that the said Commissioners when appointed should proceed to ascertain the Boundaries of the said Forest of *Hainault*, and also of that Portion of the said Forest called the *King's Forest* or *King's Woods*, and that the said Commissioners, so soon as they should have ascertained the aforesaid Boundaries, should proceed to set out and allot to Her Majesty such Part or Parts of the said *King's Forest* or *King's Woods* as they should think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of *Hainault*, for Her Rights of Soil in the said *King's Forest* or *King's Woods* and in other the uninclosed Portions of the said Forest of *Hainault*, if any, for Her Right of Timber and other Trees, Bushes, and Underwood in the said Woods or elsewhere in the said Forest, and that such Allotment or Allotments, when made, should be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Right or Claims of Common of Pasture, Estovers,

'or

'or Assignments of Fuel, Wood, and all other Rights and 'Claims whatsoever, and that on the making of such Award 'the said Forest of *Hainault* should be for ever disafforested, 'and that the Residue of the said *King's Forest* or *King's Woods* 'and all other Parts of the said Forest of *Hainault* (not then 'inclosed) should become the Property of the Queen's Majesty 'and the several Persons entitled to Rights of Common in 'and over the said Forest or any Part thereof, as they then 'were entitled to the same, freed and discharged from all Right 'of Soil, Rights of Timber, and all Forestal Rights of Her 'Majesty, Her Heirs and Successors; and in the said Act were 'contained Provisions for a Trial at Law between Sir *Charles* '*Hulse* Baronet on the one hand, and Her Majesty's Attorney 'General and the Commissioners of Her Majesty's Woods on 'the other hand, for the Purpose of determining whether Her 'Majesty or the said Sir *Charles Hulse* was entitled to the 'Right of Soil in the said *King's Forest* or *King's Woods* or in 'some Portion thereof (which Right of Soil was claimed by the 'said Sir *Charles Hulse*), with Power for the Commissioners of 'Her Majesty's Woods to accept Proposals from the said Sir '*Charles Hulse* for compromising the Matters in dispute, all 'which Compromises were by the said Act declared to be 'binding and conclusive, and if the Verdict in any such Trial 'as before mentioned should be in favour of the said Sir *Charles* '*Hulse*, then the Commissioners under the Act now in recital 'were to set out and allot to the said Sir *Charles Hulse* so 'much and such Part of the Allotment therein-before directed 'to be set out to Her Majesty as the said Commissioners 'should by Writing under their Hands award to be a just 'Equivalent and Compensation for and in lieu of the Right 'of Soil claimed by the said Sir *Charles Hulse*, and to which 'he should appear entitled by such Verdict; and it was by 'the said Act enacted that nothing therein contained should in 'anywise extend to or prejudice the Title, Right, or Claim of 'Her Majesty to any Right of Common appended or appur-'tenant to any anciently inclosed Lands of Her Majesty, or 'the Title, Right, or Claim of Her Majesty, or any Person or 'Persons, to the inclosed Part of the said Forest of *Hainault*, 'or otherwise, as therein is mentioned: And whereas certain 'Commissioners were, in the Manner directed by the said 'recited Act, duly appointed for carrying the said Act into 'execution, and they did by their Award, bearing Date the 'Sixth Day of *November* One thousand eight hundred and 'fifty-two, in pursuance of the Powers of the said Act, ascertain 'and award the Boundaries of the said Forest of *Hainault* and 'of the said *King's Forest* or *King's Woods*, and which said 'Boundaries were described in their Award and the Map 'therein referred to, and by the said Award, after reciting 'that by an Instrument in Writing, dated the Twenty-sixth 'Day of *August* One thousand eight hundred and fifty-two, 'and made between the Commissioners of Her Majesty's Woods

'of

'of the One Part, Her Majesty's Attorney General of the 'Second Part, and the said Sir *Charles Hulse* Baronet of the 'Third Part, it was among other things agreed that the Claim 'made by Sir *Charles Hulse*, therein and in this Act before 'mentioned, should be compromised, upon the Terms thereinafter contained, and that it should for the Purpose of such 'Compromise be considered that the said Sir *Charles Hulse* 'had proceeded to a Trial of the Action before mentioned, and 'had obtained a Verdict in his Favour, and that the said Commissioners should allot to Her Majesty the Lands coloured 'Red on the Plan therein referred to, and should allot to the 'said Sir *Charles Hulse* the Lands coloured Green on such 'Plan, the said Commissioners did set out and allot to Her 'Majesty certain Parts of the *King's Forest* or *King's Woods* 'containing One thousand nine hundred and seventeen Acres 'or thereabouts, and in the said Award mentioned, and the 'said Commissioners did declare what Portion of the said 'Allotment was by the said Compromise to become the Property of the said Sir *Charles Hulse*, and they did by their 'Award, so far as they had Power so to do, award and allot 'such Portion to the said Sir *Charles Hulse*, and other Parts 'of the said *King's Forest* or *King's Woods*, which on the Map 'referred to in the said Award are stated to contain in the 'whole Nine hundred and sixty-nine Acres Three Roods and 'Seventeen Perches, remain unallotted and uninclosed: And 'whereas Her Majesty, in right of Her Crown, and divers of 'Her Majesty's Subjects, are or claim to be entitled to certain 'Rights of Common of Estovers or of cutting Wood for Fuel 'commonly called Fuel Assignments in the late Forest of '*Hainault*: And whereas there are within the Boundary of the 'late Forest of *Hainault*, in addition to the Commonable 'Lands within that Part of the said Forest which is situate 'within the Parishes of *Barking* and *Dagenham*, and usually 'known as the *King's Forest* or *King's Woods*, divers other 'Commonable Lands situate in various other Parishes, and 'Doubts exist whether the Queen's Majesty and the Persons 'possessing Rights of Common within the Boundaries of the 'said late Forest are entitled to exercise them over all Commonable Lands within the Boundaries of such Forest, or only 'over such as lie in the same Parish or District as the Lands 'in respect of which such Rights are claimed: And whereas it 'is expedient that Provision should be made for setting out a 'Part of the unallotted Portion of the *King's Forest* or *King's* '*Woods* to the Queen's Majesty and other the Persons entitled 'to Common of Estovers or Fuel Assignments, and for dividing 'and allotting such Part between them in satisfaction of their 'said Rights, and it is also expedient to ascertain and define 'the Commonable Lands within the Boundaries of the said late 'Forest, to make such Provisions in respect thereof as are 'after contained, and that such other Provisions should be made 'as after mentioned:' May it therefore please Your Majesty that

that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act to be executed by a Commissioner appointed by Inclosure Commissioners.

I. The Provisions of this Act shall be carried into execution by a Commissioner to be appointed in Writing by Two of the Inclosure Commissioners for *England* and *Wales* for the Time being, within Three Calendar Months from the passing of this Act; and in case of the Death, Resignation, or Incapacity of such Commissioner, a new Commissioner shall be appointed in like Manner, as often as the same shall be necessary.

Power for the Commissioner to appoint a Surveyor.

II. It shall and may be lawful for the said Commissioner so to be appointed to appoint a Surveyor or Valuer for the Purposes of this Act; and the said Commissioner shall be paid such Sum of Money not exceeding Three hundred Pounds as the said Inclosure Commissioners shall think reasonable; and the said Surveyor or Valuer shall be paid such a Sum of Money by way of Remuneration, not exceeding Two hundred Pounds, as the said Inclosure Commissioners shall think reasonable.

Commissioner to make Allotments to Persons entitled to Fuel Assignments.

III. The Commissioner so to be appointed as aforesaid shall, immediately after his Appointment, ascertain and determine the Persons, including Her Majesty, respectively entitled to such Common of Estovers or Fuel Assignments, as herein-before recited, and shall estimate in the Manner herein-after directed the Value of such Rights at the Time of the passing of the said Act of the Fifteenth Year of Her present Majesty; and in estimating the Value at the Time aforesaid of the said Rights of Common of Estovers or Fuel Assignments, the Commissioner shall have regard, not only to the Value of such Rights alone, but also to the Value of the other Rights of Common exerciseable over the Land subject to the said Fuel Assignments, and the Amount to which the other Rights of Common would be lessened in Value by the Exercise or Existence of the said Rights of Common of Estovers, in such Manner that the Value of the Fee Simple and Inheritance of the Land over which the said several Rights are exerciseable may be fairly and justly apportioned between the Owners of the said Rights of Common of Estovers or Fuel Assignments on the one hand, and the Owners of other Rights of Common on the other hand; and the Commissioner shall set out such Part of the unallotted Portion of the said *King's Forest* or *King's Woods,* estimated to contain Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, as he may consider equivalent to the Value of the said Fuel Assignments at the Time aforesaid, after deducting from such Value a fair and reasonable Proportion of the estimated Expense of the passing of this Act and of carrying the same into execution, other than and except the Expenses of making the Fences between Allotments which the Commissioner is by this Act authorized to cause to be made, and except as herein-after provided with respect to the Cost of making and forming

orming Roads, and shall allot and divide the same Part in Severalty by his Award under his Hand and Seal unto and among the Queen's Majesty and other the Persons respectively entitled to such Rights, in proportion to the Extent or Value of such Rights respectively, and the said Allotments shall respectively go and be held with and as Part of the Hereditaments in respect of which such Fuel Assignments exist, subject to such Conditions as to fencing or Rights of Way or otherwise as the Commissioner may think proper, but freed and discharged from all Rights of Common and other Rights; and the same Award shall be accompanied by a Plan defining the Situation and Extent of the Allotment made to every Person entitled to a Fuel Assignment; and any Allotments to be made to Her Majesty, Her Heirs and Successors, shall go and be held as by the said recited Act is provided with respect to the Allotment thereby directed to be made to Her; and from and after such Award shall be made all the Commonable Lands in the said late Forest shall be discharged from all such Rights of Common of Estovers or Fuel Rights in all respects whatsoever; and for the Purpose of ascertaining the Right or Title to the said Fuel Assignments the said Commissioner may hear or receive such Evidence, at such Time and in such Manner as he may think fit to require; and the Award of the said Commissioner shall be binding on all Parties; and the Commissioner may call for the Production of any Books, Papers, or Writings, or require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and the said Commissioner may by his said Award give such Directions as to the fencing of the said Allotments to be made as aforesaid and the keeping the same in repair as he shall think fit.

Power to Persons to sell Rights of Common of Fuel Assignments before Execution of Award.

IV. It shall be lawful for any Person or Persons at any Time before the Execution of the Award of the said Commissioner, to sell any Right of Common of Estovers or Fuel Assignment upon or over the said unallotted Lands in the *King's Woods*, and the Right to any Allotment or Allotments to be made in respect thereof, by virtue of this Act, separate and apart from the Estate in respect whereof the said Right of Common exists, and in every Case of any such Sale, the Commissioner is hereby authorized and required to make the Allotment in respect of the Rights purchased to the Purchaser or Purchasers thereof respectively, who shall, on the Execution of the Award of the said Commissioner, become entitled to such Allotment or Allotments, in the same Manner as the former Proprietor of the said Rights would have been entitled in case such Sale or Sales had not been made.

Power for the Commissioner to sell unallotted Lands for Expenses of Act, &c.

V. The said Commissioner may, with the Consent of the Inclosure Commissioners, to be signified in Writing under the Hand of One of such Commissioners, sell any Part of the said unallotted Lands in the *King's Forest* or *King's Woods*, containing, according to the said Award and Map, Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, which

which may not be set apart by him as the Portion to be allotted in respect of the said Fuel Assignments, as he may think necessary for the Purpose of defraying the Expenses of the passing of this Act of Parliament and the Expenses of carrying this Act into execution, and any such Sale may be made before the Allotment shall have been actually made in respect of such Fuel Assignments, and may be made by Public Auction or Private Contract, and subject to any Provisions or Stipulations as to fencing, Rights of Way, or otherwise, as the said Commissioners shall think fit; and any Parts so sold shall be conveyed by the said Commissioner to the Purchasers, or as they shall direct; and no Purchaser shall inquire as to the Title to the said Part so sold, or as to the Amount of the Money necessary to be raised by any such Sale; and the Receipts of the said Commissioner shall be good Discharges to the Purchasers for the Purchase Monies; and the Monies shall, when received, be applied, under the Direction of the said Inclosure Commissioners, in the paying the Costs and Expenses herein-before mentioned, and if there should be any Surplus the same shall be applied as the said Inclosure Commissioners shall direct.

Commissioner to cause a Plan to be made of the Commonable Lands in Hainault Forest

VI. The said Commissioner shall cause a Plan or Plans to be made, showing what Commonable Lands there are now situate within the Boundaries of the said late Forest, other than the Commonable Lands within the Boundaries of the *King's Forest* or *King's Woods*, as such several Boundaries are respectively defined by the Award of the said Commissioners and the Plan therein referred to, and the Plan so to be made shall also show the said unallotted Lands containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches in the *King's Forest* or *King's Woods*, and what Portions thereof have been allotted to the said Fuel Rights, and have been sold under the Power by this Act given, and in making such Plan the said Commissioner is to adopt as far as in his Opinion is practicable the Plan made by the said Commissioners under the said recited Act; and further the said Commissioner shall ascertain and determine by his said Award whether the Rights of Common, or any of them, other than the said Fuel Rights, in the said late Forest of *Hainault*, extend indiscriminately over all the said Commonable Lands which he may find to be situate within the Boundaries of the said late Forest, including the unallotted Portion of the *King's Forest* or *King's Woods* containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, or whether such Rights or any of them are limited to the Commons in the particular Parish, District, or Place in which are situate the Lands in respect of which the Rights are claimed, or what is the Nature of such Rights; and in case the said Commissioner shall find that the Rights of Common or any of them are exerciseable generally over all the Commonable Lands within the said late Forest, or over any other Commonable Lands than those in the Parish, District, or Place in respect of which the Rights exist, or if the Commissioner

sioner shall find that Inhabitants of the Parishes in which the Commonable Lands in the *King's Forest* or *King's Woods* are situate are alone entitled to Rights of Common over such Lands, then the said Commissioner shall by his Award set out a specific Portion of the said Commonable Lands in any Part of the said late Forest of *Hainault* to each Parish, District, or Place in which the Inhabitants have Rights of Common as and for a Common for such Parish, District, or Place, and thenceforth the Right of such Parish, District, or Place, or of the Persons therein entitled to any such Rights of Common, shall, as regards such Rights of Common, be confined to such specific Portion so set out and apportioned as aforesaid, and in lieu of the general or other Right of Common over the whole or any Part of the uninclosed Lands aforesaid; and all Rights of Intercommonage shall upon the Execution of the Commissioner's Award cease and determine, and such Allotments of specific Rights of Common in respect of each such Parish, District, or Place shall be made with reference to the whole Amount of Commonable Land, and the Extent of the Rights of the Commoners in respect of each such Parish, District, or Place for which an Allotment shall be so made as aforesaid; and for all or any of the Purposes aforesaid the said Commissioner may hear or receive such Evidence at such Time and Place and in such Manner as he may think fit; and the Commissioner may call for the Production of any Books, Papers, or Writings, and require the Attendance of any Witness, and examine him or her upon Oath, as he may think fit; and his Decision in the Premises shall be final and binding on all Parties; and the said Commissioner shall have Power to cause such Fences, if any, as he may think fit, to be made between the different Commonable Lands in the *King's Forest* or *King's Woods* to be allotted to different Parishes, Districts, or Places, and to direct how and by whom such Fences shall be kept in repair, and the Expenses of making such Fences shall be taken as Part of the Costs of carrying this Act into execution, except that no Part of such Expenses shall be chargeable upon the Allotments by this Act directed to be made to the Owners of Fuel Assignments; and the Commissioner shall have regard to the Costs of any Fences which he may think fit to be made in considering the Extent of the Commonable Land to be allotted to each such Parish, District, or Place, and the Commissioner shall have Power to set out such Ways in the *King's Forest* or *King's Woods*, but not elsewhere, and generally to make such Regulations with respect to the said Allotments, as he may deem expedient: All Encroachments made since the Award of the Commissioner under the said recited Act on any Part of the said unallotted Lands containing by Estimation Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, within the Boundaries of the *King's Forest* or *King's Woods*, shall be deemed to be Part of the Lands to be allotted under the Provisions of this Act.

VII. In

VII. In case any Person shall be dissatisfied with any Decision of the Commissioner in reference to the Nature of any of the Rights of Common which he is by the last preceding Section of this Act directed to ascertain and determine, or as to the Lands over which such Rights extend or are exerciseable, or to which they are limited, the Commissioner shall, on the Application of the Person so dissatisfied, prepare a Case to be submitted to Her Majesty's Court of Common Pleas, to be argued before and decided on by the said Court; and the Judgment and Determination of such Court shall be taken as the Judgment of the Commissioner: Provided always, that no such Application shall be received by the Commissioner unless the same is made to him within One Calendar Month from the Time when the Decision to which it relates was given.

Power of Appeal.

VIII. Notwithstanding anything contained in any Act relating to the Inclosure of Land, it shall not, in any Proceeding before the said Inclosure Commissioners or otherwise, for the Inclosure or Appropriation as a regulated Pasture of any Part of the *King's Forest* or *King's Woods* aforesaid which may under the Provisions of this Act in manner aforesaid have been allotted as Commonable Lands for any such Parish, District, or Place as aforesaid, be necessary to procure the Consent of Her Majesty or of any other Person claiming any Right or Interest in the Soil of the Lands to be inclosed, either as Lord or otherwise; and the whole of any such Lands which may have been allotted to any Parish, District, or Place as Commonable Lands shall be allotted to and amongst the Persons entitled to Rights of Common over the same, and according to their several Rights of Common, and without making any Allotment to the Lord or other Person claiming any Interest in the Soil; and after the Execution of the Award by this Act directed to be made, neither the Queen's Majesty nor any other Person shall be entitled to exercise any other Right than a Right of Common of Pasture in, upon, or over the Portion of the said Lands containing Nine hundred and sixty-nine Acres Three Roods and Seventeen Perches, which may not have been sold or allotted to the Owners of Fuel Assignments under the Provisions of this Act, unless and until the said Portion or any Part thereof shall have been inclosed under the Provisions of any General Act relative to the Inclosure of Land.

No Allotment or Consent in respect of the Soil to be made or given to the Inclosure of Land in the King's Forest or King's Woods.

IX. The Commissioner may, if he shall so think fit, set out, and may also, if he shall so think fit, cause to be made any Road or Roads in the *King's Forest* or *King's Woods*, but not elsewhere, for the more convenient Occupation of any of the Allotments in the same Forest or Woods by this Act directed to be made, and may cause the same to be fenced, and the Cost of making and fencing any such Roads shall be deemed to be Part of the Costs of carrying this Act into execution, and the Commissioner may declare any of the said Roads to be public Highways, and the same shall in that Case, upon the Execution of the Commissioner's Award, become and be public Highways, and

Power for the Commissioner to set out Roads and declare them Highways.

and shall thereafter be maintained as such, and the Commissioner's Award shall be conclusive that the Roads therein mentioned have been duly set out and made and fenced, as the Case may be.

Commissioner to set out an Allotment to be annexed to the District Chapelry of Barkingside.

X. The Commissioner shall set out and award a Portion containing Twenty Acres of the said unallotted Part of the *King's Forest* or *King's Woods* as and for Glebe Land to be annexed to the Ecclesiastical District Chapelry of *Barkingside*, and the same shall upon the Execution of the Commissioner's Award become and thenceforth shall continue annexed to the said District Chapelry as Glebe Land for the Use and Benefit of the Incumbent for the Time being of such Chapelry, and shall be vested in such Incumbent for the Time being, and such Allotment shall thereupon be freed and discharged from all Rights of Common and other Rights, and shall be fenced in such Manner and by such Persons as the Commissioner may direct.

Award to be made in Three Years, and to be executed in Duplicate.

XI. The said Commissioner shall make his Award in Writing as regards all the Matters and Things hereby by him directed to be done within Three Years from the passing of this Act; and such Award shall be executed in Duplicate, and one Part thereof shall be deposited at the Office of Land Revenue Records and Inrolments, and the other Part thereof shall be deposited with the Clerk of the Peace for the said County of *Essex*, there to remain, and to be examined by all Persons at all reasonable Times, on Payment of a Fee of One Shilling for each Examination, and until the Commissioner has made his Award any Writing under his Hand shall be sufficient Evidence of any Proceeding or Decision under the Provisions of this Act.

Power for Commissioner to examine Witnesses on Oath.

XII. The said Commissioner may examine upon Oath or upon Declaration, as he may think fit, all such Persons as may attend before him for the Purpose of giving Evidence upon any Matter or Proceeding under the Authority of this Act, and for that Purpose may administer or receive Oaths or Declarations: If any Person or Persons examined on his or their Oath or Declaration, under the Provisions of this Act, shall wilfully give false Evidence, or shall make or subscribe a false Declaration, he shall be guilty of Perjury in case he shall have been sworn, or of a Misdemeanor if he shall have made a Declaration.

Saving Rights under recited Act of 14 & 15 Vict. c. 43.

XIII. Nothing herein contained shall authorize the Commissioner in any Manner to deal or interfere with any Lands which were allotted to Her Majesty or to any other Person by the Award made under the said recited Act of the Fifteenth Year of the Reign of Her present Majesty, or with any other inclosed Lands in the Possession of Her Majesty or Her Lessees or Tenants.

Short Title.

XIV. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "*Hainault Forest* (Allotment of Commons) Act, 1858."

CAP. XXXVIII.

An Act to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt. [23d *July* 1858.]

'WHEREAS by an Act of the Tenth Year of King *George* the Fourth, Chapter Twenty-seven, "to amend the "several Acts for regulating the Reduction of the National "Debt," Provision was made for giving effect to a Resolution of the House of Commons, that, in lieu of the Sum of Three million Pounds directed to be issued annually towards the Reduction of the National Debt under an Act then in force, there should be issued for that Purpose such annual Sum as should appear to be the actual surplus Revenue of the United Kingdom beyond the actual annual Expenditure thereof: And whereas by an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, "for raising the Sum of Sixteen million Pounds "by way of Annuities," it is enacted, that "for the Purpose "of the Extinction of a Portion of the Funded Debt of "*Great Britain* and *Ireland* equal to the Amount to be "added to the Joint Stock of Annuities therein mentioned, "there should be issued and paid out of the Consolidated "Fund, or out of the growing Produce thereof, to the Com-"missioners for the Reduction of the National Debt, in the "Financial Year commencing on the First Day of *April* "which should first happen Twelve Months after the Rati-"fication of a Definitive Treaty of Peace with *Russia*, and "in every subsequent Year until such Portion of the said "Funded Debt is extinguished by means of the Monies to "be issued to the said Commissioners under that Enact-"ment, the Sum of One million Pounds:" And whereas in the Acts of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Six and Chapter Twenty-one, like Enactments are contained for the Issue and Payment out of the Consolidated Fund, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, of the Yearly Sums of Two hundred and fifty thousand Pounds and Two hundred and fifty thousand Pounds, for the Purpose of the Extinction of Portions of the Funded Debt equal to the Amount to be added to the Joint Stock of Annuities therein mentioned by the said Acts: And whereas the Issue for the Reduction of the Funded Debt of fixed Sums, without reference to the relative Amounts of the Income and Expenditure of the United Kingdom, is inconsistent with the Principle established by the said Act of the Tenth Year of King *George* the Fourth; and it is expedient that the said Provisions for the Issue of the said Sums of One million Pounds and Two hundred and fifty thousand Pounds and Two hundred

10 G. 4. c. 27.

18 & 19 Vict. c. 18.

19 & 20 Vict. cc 6. and 21.

'and fifty thousand Pounds should be repealed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Enactments of 18 & 19 Vict. and 19 & 20 Vict. repealed.

I. The said Enactments herein-before recited and referred to respectively of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and the said Acts of the Nineteenth and Twentieth Years of Her Majesty, shall be repealed.

CAP. XXXIX.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[23d *July* 1858.]

'WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and fifty-nine.

Proceedings may be had during such Suspension by Order in Council.

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force

Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

CAP. XL.

An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, *Edinburgh*, and adjacent Property, for the Erection of a new General Post Office; and for other Purposes. [23d *July* 1858.]

'WHEREAS the Premises in *Waterloo Place* within the 'City of *Edinburgh* at present occupied as a General 'Post Office have become insufficient for the Accommodation 'of the increasing Business of that Establishment, and from 'their Position are not capable of further Extension or 'Enlargement: And whereas, with a view to facilitate the 'Dispatch of the public Business of Her Majesty in that 'Department, it is necessary and expedient that a Site of 'adequate Extent, and conveniently situated for the Erection 'of a new General Post Office for *Scotland*, within the City 'of *Edinburgh*, should be provided, and that certain Lands, 'Tenements, and others of divers of Her Majesty's Subjects, 'comprehending the Building commonly known as the Theatre 'Royal, *Edinburgh*, and certain Houses, Buildings, Lands, and 'other Properties situate near the said Theatre in the City 'Parish of *Edinburgh*, or Parishes of *St. Andrew* and *Trinity* '*College* respectively, within the Royalty and City of *Edin*-'*burgh*, described in the Schedule of this Act, should be 'acquired and appropriated by the Commissioners of Her Ma-'jesty's Works and Public Buildings, herein-after called "the 'Commissioners," as herein-after mentioned, for the Purposes 'aforesaid: And whereas a Map or Plan, describing the Lands 'and Heritages to be acquired by the said Commissioners under 'the Authority of this Act, has been prepared under the Di-'rection of the said Commissioners:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and

Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The New "General Post Office, *Edinburgh*, Act, 1858."

Certain Parts of 8 & 9 Vict. c. 19. incorporated.

II. The Lands Clauses Consolidation (*Scotland*) Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections 15, 16., 80. to 98. inclusive, 120. to 128. inclusive, 132., 135., 142, and 143. of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Terms.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

"The Commissioners" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of *Victoria*, Chapter Forty-two:

"Special Act," in the Act herewith incorporated, shall mean this Act:

"Promoters of the Undertaking," in the Act herewith incorporated, shall mean "the Commissioners:"

"Company," in the Act herewith incorporated, shall mean "the Commissioners:"

"Lands and Heritages" shall mean and include Houses, Buildings, Tenements, Piazzas, Cellars, Areas, Streets, Squares, Ways, Paths, Passages, Stairs, Galleries, Walls, Yards, Sheds, Workshops, Watertanks, Gardens, vacant Ground, and Subjects of every Description and of every Tenure, and all public and private Rights, Liberties, Privileges, and Servitudes of every Description in, over, upon, under, or through the same or any of them.

Commissioners acting under 14 & 15 Vict. c. 42. to be incorporated for the Purposes of this Act.

IV. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament of the Fourteenth and Fifteenth of *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they may think fit.

Commissioners of Works to carry this Act into execution.

V. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament and put at their Disposal

Disposal for that Purpose, to purchase, as provided in this Act and in the Act herewith incorporated, the Lands and Heritages in the City of *Edinburgh* and Parishes foresaid mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground and Buildings mentioned in the Schedule to this Act, whether now used as Streets, Squares, Ways, Paths, Passages, Yards, Gardens, vacant Ground, or otherwise, as a Site for the Erection thereon or on some Part or Parts thereof of a Building or Buildings for a new General Post Office, and the necessary Accesses and Approaches thereto, and to carry the Purposes of this Act into execution in manner herein mentioned.

No Purchases to be made but with Consent of the Treasury.

VI. No Purchase shall be made by the Commissioners for the Purposes of this Act except with the Consent of the Commissioners of Her Majesty's Treasury; but it shall not be necessary for any Seller to ascertain that such Consent has been given, nor shall the Commissioners be bound to produce to any such Seller any Evidence of such Consent: Provided nevertheless, that such Consent may be given either generally or for any particular Purchase or Purchases as to the said Commissioners of Her Majesty's Treasury as aforesaid shall seem meet.

Lands and Heritages purchased to be vested in Commissioners for the Public Service.

VII. All Lands and Heritages purchased by the Commissioners under the Authority of this Act and of the Act herewith incorporated shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament held in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Materials, &c. vested in the Commissioners for Purposes of this Act.

VIII. The Right and Property of all the Materials, Implements, Utensils, and Things whatsoever which may be provided by the Commissioners or by their Order, or under any Contract or Contracts to be entered into by them, or which may otherwise belong to and be used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners, in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prosecute any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them, the Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Power to shut up and alter Streets and Ways connected with Lands, &c.

IX. It shall be lawful for the Commissioners to shut up, alter, widen, or otherwise vary all such Streets, Ways, Paths, Passages, Roads, or Accesses connected with or adjoining the Lands and Heritages to be purchased or acquired as aforesaid as shall be necessary for the Purposes of this Act; and the

acquired by Commissioners.

Ground and Soil of such Streets, Ways, Paths, Passages, Roads, or Accesses, or Parts thereof respectively, as shall be so shut up, altered, widened, or otherwise varied, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act: Provided always, that the said Commissioners shall in lieu of the present Stair make and maintain a suitable Public Stair from the *North Bridge Street*, at or near the South-west Corner of the Premises so to be acquired, in continuation of the present Stair leading from the said Theatre Royal and other Houses and Buildings adjacent thereto, to the existing Street or Streets below.

Streets may be raised or lowered.

X. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Building or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Property may be taken notwithstanding Errors in Schedule upon Certificate of Two Justices.

XI. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Subjects comprehended within or described on said Plan as intended to be taken for the Purposes of this Act, although such Subjects, or the Name or Names of the Owner, Lessee, or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, provided it shall appear to and be certified by any Two or more of the Justices of the Peace for the City of *Edinburgh* that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners to pull down Houses, &c. and sell old Materials.

XII. It shall be lawful for the Commissioners and they are empowered to pull down or cause to be pulled down all Houses, Buildings, and other Erections purchased under this Act, or such of them or such Parts thereof as they shall deem expedient to be pulled down, and to level and clear the Ground whereon the same stand, and all other Ground to be purchased under this Act, in such Manner as they shall think proper, and, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down and removed, and the Monies produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Lands and Heritages as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Power to bring Actions for Breach of Contract.

XIII. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law in *Scotland* against any such Contractor or Contractors,

Contractors, or their Sureties, for any Penalty contained in his Contract, and on Proof of the Nonperformance thereof at the Time or Times for that Purpose therein mentioned the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty when recovered shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him or his Sureties for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper.

Power to Commissioners to sell surplus Lands.

XIV. It shall be lawful for the Commissioners, from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell, excamb, feu, or in any other Manner dispose of or to let, all or any of the Lands and Heritages purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes foresaid; and it shall be lawful for the Commissioners to execute all Conveyances, Deeds of Excambion, Feu Contracts, Leases, or other Writings that may be requisite and necessary therefor.

Lands acquired on Excambion to vest in Commissioners.

XV. All Lands and Heritages that may be acquired by the Commissioners on such Excambion shall vest in them upon the same Trusts and with the like Powers in all respects as hereby declared as to Lands and Heritages hereby authorized to be purchased.

Monies payable to Commissioners of Works to be paid to Paymaster General.

XVI. All Monies payable to the Commissioners under the Provisions of this Act arising from the Sale of any Materials, Lands, and Heritages, or otherwise, or which may be paid by way of Rent, Premium, Feu Duty, Compensation, or otherwise, shall be paid to Her Majesty's Paymaster General for the Time being, whose Receipt shall be a sufficient Discharge for the same to the Person or Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Application of such Monies.

Lands sold by Commissioners to vest in Purchasers free of prior Claims.

XVII. Immediately from and after the Payment of any such Monies, and the Execution of any Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing as aforesaid, by the Commissioners, the Purchaser, Feuar, or Lessee therein named shall stand possessed of the Lands and Heritages so purchased by or feued or leased to him freed and disburdened of and from all prior Rights, Interests, Charges, Incumbrances, and Demands whatsoever, save and except such Rights, Interests, Charges, Incumbrances, or Demands as in any such Conveyance, Deed of Excambion, Feu Contract, Lease, or other Writing may be specially excepted.

Contracts made by First Commissioner of

XVIII. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of

Works to be valid.

of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid and binding on the Commissioners, as if the same had been under their Corporate Seal.

As to Notices given by Commissioners.

XIX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of *Donald Horne* Writer to the Signet, their Solicitor in *Scotland*, or of their Solicitor in *Scotland* for the Time being, or of *Robert Matheson* their Surveyor of Works in *Scotland*, or of their Surveyor of Works in *Scotland* for the Time being.

As to Notices, &c. given to or served on Commissioners.

XX. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on their said Solicitor or Surveyor of Works in *Scotland* for the Time being by being left at or transmitted through the Post to their respective Places of Business in *Edinburgh*.

Deeds, &c. not liable to Stamp Duty.

XXI. No Deed, Bond, Discharge, Receipt, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Saving of Rights of Her Majesty.

XXII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed, in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Provision for Protection of Commissioners personally.

XXIII. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHE-

SCHEDULE referred to in the foregoing Act.

The City Parish of Edinburgh, or Parishes of St. Andrew and Trinity College respectively, within the Royalty and City of Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1.1.1.1.1.	Building known as the "Theatre Royal," with Piazza, Area, and Cellars.	Mrs. Sarah Elizabeth Siddons or Grant, and William Patrick Grant of Rothiemurcus, her Husband, No. 20, Abercromby Place, Edinburgh; and Sir William Gibson Craig, of Riccarton, Baronet; James Gibson Craig, W.S., Edinburgh, and Major Arthur Mair, No. 29, Abercromby Place, Edinburgh, Trustees under their Marriage Contract; Mrs. Elizabeth Harriet Siddons or Mair, and the said Major Arthur Mair, her Husband, No. 29, Abercromby Place, Edin.; Miss Sarah Siddons, No. 14, Upper Wimpole Street, Cavendish Square, London; and the said William Patrick Grant of Rothiemurcus, John Brown, M.D, Rutland Street, Edinburgh, Professor Horace Hayman Wilson, No. 14, Upper Wimpole Street, Cavendish Square, London, William Richard Young, Oldfield Lodge, Maidenhead, Berks, and David Maclagan, C.A., No. 129, George Street, Edinburgh, her Curators.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.	Robert Henry Wyndham, No. 95, Princes Street, Edinburgh.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2.2.2.2.2. 2.2.2.2.2. 2.2.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	James M'Laren, Boot and Shoe Maker, No. 6, Duncan Street, Drummond Place, Edinburgh; John Pattison, W.S., No. 16, Broughton Place, Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London St., Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent; Donald Fraser, No. 2, Shakespeare Square, Edinburgh; Mrs. Isabella Johnston, No. 11, Castle Street, Banff; Mrs. Jane Messer, Baker, Portobello; William Milne, No. 19, Broughton St., Edinburgh, for Behoof of himself and others; Mrs. Ann Donaldson or Dobie, and John Dobie her Husband, No. 7, Hill Place, Edinburgh; and Miss Wilhelmina Maria Donaldson, No. 19, Dundas Street, Edinburgh.	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.	Robert Smart, Tavern Keeper; Andw. Wood, Shakespeare Hotel; Donald Fraser; Jas. Clark, Spirit Dealer; Robert Dixson, Baker; Wm. Sibbald, Fruitseller; Alex. Lockhart Carstairs, Engraver; Mrs. Elizabeth Brotchie; John Hosea, Turner; Robert Ritchie, Shoemaker, all of No. 2, Shakespeare Square, Edinburgh.
3.3.3.3.3. 3.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Miss Jane Thomson, No. 51, Broughton Street, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Robt. Dixson, Baker, No. 2, Shakespeare Square, Edinburgh; Wm. Archibald Thomson, No. 179, Causewayside, Curator for John Thomson and the other	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James	James Clark, Spirit Dealer, No. 4, Shakespeare Square, Edinburgh; Charles Scott King, Spirit Dealer, No. 6, Shakespeare Square, Edinburgh; Mrs. Isabella Hall, Mangle Keeper, No. 6, Shakespeare Square, Edin.; Thomas Currie, Tavern Keeper; David Currie, Boot Closer; Miss Jane Currie; Mrs. James

		Children of the late John Charles Thomson, Spirit Dealer, Shakespeare Square, Edinburgh; Dr. John S. Mushet, Birkhill by Stirling; David Chisholm, No. 33, Montague Street, Edinburgh; J. Chisholm, No. 27, Booth St. East, Oxford Road, Manchester; J. Pattison, W.S., No. 16, Broughton Pl., Edinburgh; Thomas Hill Pattison, M.D., No. 39, London Street, Edinburgh; Miss Joanna Pattison, No. 39, London Street, Edinburgh; Mrs. Christina Beatrice Pattison or Anderson, and John Francis Anderson, both residing at Pau, South of France; the said John Pattison, W.S., Agent.	Chisholm; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.	Chisholm; David M'Farlane; William M'Ewen, Coachman; Robert Hunter, Engraver; Mrs. Janet Brown, Blackborderer; Mrs. John Greig; Mrs. Andrew Lee, all of No. 5, Shakespeare Square, Edinburgh.
4.4.4.4.4. 4.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Robt. Wilson, Plumber, No. 24, Earl Grey Street, Edinburgh; Miss Christina Moffat, No. 18, Elm Row, Edinburgh; William Moffat, Painter, No 18, Elm Row, Edinburgh; George Sime, No. 14, Lauriston St., Edinburgh; Patrick Hunter, at present residing in America; James Readdie, Architect, Perth, Mandatory for the said Patrick Hunter.	Mrs. Isabella M'Laren, No. 104, Rose Street, Edinburgh, Donald Kennedy, Oyster Tavern; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart; Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.	Miss Julia Fitzclarence; Donald Kennedy, Oyster Tavern; William Barris; Miss Sarah Proctor; John Hutton, Silversmith; Charles Wallace, Joiner; Mrs. Helen Kay; Mrs. Marion Stewart; Mrs. Alexander Duff; Archibald Bathgate, Cabinet Maker; Mrs. Janet Park, all of No. 7, Shakespeare Square, Edinburgh.
5.5.5.5.5. 5.5.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back-yard, and Wall.	Misses Margaret and Isabella Neillans, New Pentland by Loanhead; Dr. David Ramsay, No. 38, Broughton St., Edinburgh, Liferenter; Sir William Gibson Craig of Ricarton, Bart., Fiar.	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John	Alexander Gray, Shoemaker; Duncan M'Cowan, Slater; John Robertson, Shoemaker; William Foote, Comedian; William Wood, Brassfounder; William Armet, Tailor; Daniel Stewart, Coachman; Mrs. John Kemp; Mrs. Jane Stephenson; Adam Howie, Bookbinder; Francis Murray, Jeweller; John

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.	Dunse, Slater; Mrs. Anne Mackenzie; Thomas Cochrane, Tailor, all of No. 8, Shakespeare Square, Edinburgh.
6.6.6.6.6. 6.6.	Warehouse and Offices, with Areas and Cellars.	Francis Garden Mitchell, No. 23, East Claremont St., Edinburgh; Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs. Alison Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Messrs. Fraser Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.	Messrs. Fraser Hogg, Robert Honeyman, and John Wilson, junior, the individual Partners of the Firm of Hogg, Honeyman, and Wilson, Tea and Spice Merchants, No. 10, Shakespeare Sq., Edinburgh; Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith St. Terrace, and Shakespeare Square, Edinburgh.
7.7.7.7.7. 7.	Tenement occupied as Hotels and Taverns, with Areas and Cellars.	Mrs. Isabella Wilson Scott or Alexander, and Dr. James T. Alexander, her Husband, No. 6, Stafford Street, Edinburgh; and Mrs Alison Graham Scott or Braund, and William Braund, her Husband, residing at Dartford, Kent.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, Shakespeare Square, Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Sq, Edin.; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh.	Mrs. Jane Thomson or Paton, Tavern and Hotel Keeper, No. 11, Shakespeare Sq., Edinburgh; Charles Campbell, Tavern and Hotel Keeper, No. 12, Shakespeare Square, Edinburgh; Daniel Cormack & Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Sq., Edinburgh.
8.8.8.8.8. 8.8.	Back-yard, Sheds, and Work shops.	The same - - -	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.	Daniel Cormack and Son, Smiths and Ironmongers, No. 1, Leith Street Terrace, and Shakespeare Square, Edinburgh.
9.9.9.9.	Stone Wall and Counter-forts of North Bridge.	The Lord Provost, Magistrates and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	—	—

10.10.10.	Sloping Bank of Earth and Water Tank and Part of Railway Station.	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.	- - - - - -	The North British Railway Company, James Nairne, Secretary, No. 4, Princes Street, Edinburgh.
11.11.	Retaining or Support Wall and Piece of Ground.	The same - - -	- - - - - -	The same.
12.	Ashpit - - - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	—	—
13.	Urinals - - - -	The same - - -	- - - - -	The Public.
14.	Shop called "The Box." - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh.	Messrs. James & John Gray, North British Advertiser Office, No. 8, Melbourne Place, Edinburgh; David Mathers, Bookseller and News Agent, No. 71, Causewayside, Edinburgh.
15.15.15. 15.15.15. 15.15.15. 15.15.15. 15.15.15. 15.15.15. 15.	Streets, Paved Ways, Roadways, Stairs, and Passages.	The same, and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - - - - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, John Sinclair and James Laurie, conjunct City Clerks, No. 10, Royal Exchange, Edinburgh; the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.

The Lord Provost, Magistrates, and Council of the City of Edinburgh are the reputed Superiors of the whole of the Properties above described.

CAP. XLI.

An Act to extend the Time for making Advances towards Navigations in *Ireland* under the Provisions of an Act of the Nineteenth and Twentieth *Victoria*, Chapter Sixty-two. [23d *July* 1858.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Sixty-two, intituled *An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in* Ireland: And whereas it is by the said Act, amongst other things, provided, that it should be lawful for the Commissioners of the Treasury, at any Time, and from Time to Time, within the first Two Years after the passing of the said Act, to direct that certain Advances of Money should be made to the Trustees of such Navigations respectively, to be applied for the Purposes in the said Act mentioned: And whereas the Commissioners of Public Works in *Ireland* have not yet made the final Award in respect to any of the said Navigations required to be made before such Money could be advanced, and it is expedient that the Time for making such Advances should be extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 62.

Time limited by recited Act extended.

I. The Time by the said Act limited for enabling the Commissioners of the Treasury to direct Advances of Money to be made for the Purposes of the Navigations, or any of them, in the said Act mentioned, shall be extended to Two Years from the Date of the Awards to be made by the Commissioners of Public Works in *Ireland* in relation to the said Navigations respectively.

Recited Act and this Act to be as One.

II. The said recited Act and this Act shall be construed together as One Act.

CAP. XLII.

An Act for shortening the Time of Prescription in certain Cases in *Ireland*. [23d *July* 1858.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King *William* the Fourth, Chapter Seventy-one, Provisions were made for shortening the Time of Prescription in certain Cases, and it is expedient that the Provisions of the said Act should be extended to *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Provisions of the said Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Seventy-one, shall, from and after the First Day of *January* One thousand eight hundred and fifty-nine, extend and apply to *Ireland.*

Provisions of 2 & 3 W. 4. c. 71. extended to Ireland.

CAP. XLIII.

An Act to amend the Municipal Franchise in certain Cases. [23d *July* 1858.]

'WHEREAS by Section Nineteen of an Act passed in 'the Session holden in the Fifty-ninth Year of His late 'Majesty King *George* the Third, Chapter Twelve, intituled '*An Act to amend the Laws for the Relief of the Poor,* the 'Inhabitants of any Parish in Vestry assembled are empowered 'to resolve and direct that the Owner or Owners of all 'Houses, Apartments, or Dwellings in such Parishes, being 'the immediate Lessor or Lessors of the actual Occupier or 'Occupiers, which shall respectively be let to the Occupiers 'thereof at any Rent or Rate not exceeding Twenty Pounds 'nor less than Six Pounds by the Year, for any less Term 'than One Year, or on any Agreement by which the Rent 'shall be reserved or made payable at any shorter Period than 'Three Months, shall be assessed to the Rates for the Relief 'of the Poor for or in respect of such Houses, Apartments, or 'Dwellings, and the Outhouses and Curtilages thereof, instead 'of the actual Occupiers: And whereas it is doubtful whether 'in such Case such Occupier is entitled to any Municipal 'Privileges and Franchises to which, by virtue of an Act 'passed in the Session of Parliament held in the Fifth and 'Sixth Years of the Reign of King *William* the Fourth, 'intituled *An Act to provide for the Regulation of Municipal* '*Corporations in* England *and* Wales, he would have been 'entitled if he himself had been rated and had paid such Rate 'or Rates: And whereas, when the Owner of any Tenement 'is rated to the Relief of the Poor by virtue of an Act passed 'in the Session of Parliament held in the Thirteenth and 'Fourteenth Years of Her present Majesty, intituled *An Act* '*for the better assessing and collecting the Poor Rates and* '*Highway Rates in respect of Small Tenements,* instead of the 'Occupier thereof, and has paid all Money due on account 'of any Rate or Rates in respect of such Tenement, such 'Occupier is entitled to all Municipal Privileges and Fran-'chises to which by virtue of the said recited Act of King '*William* the Fourth he would have been entitled if he himself 'had been rated and had paid such Rate or Rates:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

59 G. 3. c. 12.

Where Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 W. 4. c. 76. as if he was rated instead of the Owner.

I. Where the Owner of any such House, Apartment, or Dwelling in the said first-recited Act mentioned shall be rated to the Relief of the Poor by virtue of Section Nineteen of the said first-recited Act, instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such House, Apartment, or Dwelling, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of the said Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, he would have been entitled if he himself had been rated and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Overseers of the Poor or other Person authorized by Law to receive the same the Amount of any Rate or Rates then due from such Owner in respect of such House, Apartment, or Dwelling, and such Overseer or other Person so authorized as aforesaid shall be bound to receive the same, and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as herein-before mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any such House, Apartment, or Dwelling, where the Owner is rated to the same, shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by him to such Owner, or to recover the same from such Owner as Money paid to and for the Use of such Owner, and upon such Payment being so made by such Occupier, and being by him so deducted or retained from his Rent, the Production by such Owner of the Receipt of such Occupier for the Amount so deducted shall be sufficient Proof of such Rate or Rates having been duly paid.

Recited Act and this Act to be read as One.

II. So much of the said Act of the Fifty-ninth Year of His late Majesty King *George* the Third as remains unrepealed and this Act shall be read and construed together as One Act.

CAP. XLIV.

An Act to give to the Universities of *Oxford*, *Cambridge*, and *Durham*, and the Colleges in those Universities, and to the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, Power to sell, enfranchise, and exchange Lands under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions. [23d *July* 1858.]

'WHEREAS it is expedient that the Universities of *Oxford*, '*Cambridge*, and *Durham*, and the Colleges in those 'Universities, and the Colleges of *St. Mary* of *Winchester* near '*Winchester*,

Winchester, and of King *Henry* the Sixth at *Eton*, should be empowered to sell, enfranchise, and exchange their Lands under certain Conditions, and also to grant Leases for Agricultural and Building and Mining Purposes under proper Reservations and Restrictions, and to deal with the Interests of their Lessees in manner herein-after provided: And whereas the several Acts now in force in relation thereto are inadequate for such Purposes:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Universities and Colleges to sell, enfranchise, and exchange Lands under certain Conditions.

I. It shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, with the Consent of the Copyhold Commissioners, to sell any Estate in Lands either at Law or in Equity which now is or at any Time hereafter shall be vested in such Universities respectively, or in any such College, and also with such Consent as aforesaid to enfranchise any Copyhold or Customary Lands held of any Manor belonging to such Universities respectively, or any such College, or to exchange any Estate in Lands for any other Lands, whether the same shall be of a like Nature or not, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale, Enfranchisement, or Exchange shall be received by or become payable to or for the Benefit of such Universities respectively, or for any such College, shall from Time to Time be paid into the Bank of *England* for the Benefit of such Universities respectively, or of any such College, to an Account to be entitled "The Account of the Copyhold "Commissioners Exparte the University or the College for "whose Benefit such Monies shall have been so paid in (de-"scribing such University or College by its Corporate Name) "in the Matter of this Act;" and the Receipt of the said Copyhold Commissioners shall be an effectual Discharge to any Purchaser or other Person for any Money therein expressed to be received, and all Monies so paid into the Bank of *England* shall be applicable and be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or College with such Consent as aforesaid in the Purchase of other Lands in Fee Simple, or of any Lands of a Leasehold Tenure, (such Leaseholds to be holden for a Term of not less than Five hundred Years yet to come and unexpired at the Time of such Purchase at a nominal Rent, and to be contiguous to or convenient to be held with any other Lands belonging to such Universities respectively, or to any such College,) such Lands to be conveyed and assigned respectively to the Use or for the Benefit of such University or College, and to be held together with any Lands received in Exchange by such University or College upon the like Trusts and for the like

like Purposes as the Lands sold or given in Exchange by such University or College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the said Copyhold Commissioners to the Account aforesaid in the Purchase of Government Stocks, Funds, or Securities, which the said Copyhold Commissioners shall hold in trust for such University or College; and the said Copyhold Commissioners may sell and dispose of the same for the Purposes of this Act as Occasion may require, and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such University or College to be applied to the same Purposes as the annual Income was applicable which arose out of the Lands from the Sale, Enfranchisement, or Exchange of which the Money invested in such Stocks, Funds, or Securities was produced: Provided that, except as hereafter is mentioned, nothing in this Section contained shall apply to any Estate of the Universities respectively, or any such College as aforesaid, in reversion in Lands expectant upon any Lease for a Life or Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands shall have been reserved, except where the Lessee has a Right of Renewal.

Mode in which Consents of Copyhold Commissioners to be evidenced.

II. The Consent herein-before required to be given by the Copyhold Commissioners to any Sale, Enfranchisement, or Exchange to be effected under the Authority of this Act, shall be evidenced in manner following; (that is to say,) the said Commissioners, upon Consideration of the proposed Sale, Enfranchisement, or Exchange, and the Report thereon of the Surveyor of the University or College proposing the same, and being satisfied as to the Propriety thereof, shall issue an Order under their Hands and the Common Seal of their Board, authorizing such proposed Sale, Enfranchisement, or Exchange, to be carried into effect by the University or the College making Application under the Provisions of this Act; and the Consent of the said Commissioners herein-before required to the Reinvestment of the Monies to be received upon any such Sale, Enfranchisement, or Exchange in the Purchase of other Lands, shall also be evidenced by a similar Order, to be issued by the said Commissioners in manner aforesaid, approving of the proposed Purchase, and authorizing the University or College (as the Case may be) to carry the same into effect; and it shall not in any Case be necessary that the said Commissioners should be made Parties to, or should execute any Conveyance, Assignment, or other Assurance to be made by such University or College for effecting any Sale, Enfranchisement, Exchange, Purchase, or Mortgage under the Powers of this Act, or satisfy themselves as to the Title of any Lands, the Subject of any such Exchange or Purchase: Provided, that notwithstanding anything herein contained, the said Commissioners shall be at

liberty (if they shall think fit) to require a Valuation to be made by any Surveyor to be selected or approved by them, and also a Plan to be furnished of the Lands, the Subject of any such Sale, Enfranchisement, Exchange, Purchase, or Mortgage; and all Costs and Expenses of and incidental to the obtaining such Consent shall be borne by the University or College applying for the same.

Form of Orders to be issued by Commissioners.

III. The several Orders to be issued by the said Commissioners pursuant to the foregoing Provisions, shall respectively be in the Form or to the Effect set forth in the Schedule to this Act, with such Variations only as Occasion may require.

Power to accept Surrenders from Lessees in consideration of annual Payments, and to sell and exchange to or with such Lessees.

IV. For facilitating such Transactions by way of Sale and Exchange between the University or College and their Lessees, it shall be lawful for the said Universities, and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, upon accepting the Surrender of the whole or any Part of the Lands comprised in any Lease for Years or for a Life or Lives, to covenant or agree to grant to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender would have continued, such an annual Sum as may be agreed upon between such University or College and Lessee respectively; and it shall also be lawful for such University or College upon accepting such Surrender, and with such Consent and so evidenced as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands comprised in the Surrender, such Lands being for the Purpose of such Sale or Exchange valued as if in the Possession of such University or College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.

Repeal of 19 & 20 Vict. c. 95. and of Sect. 48. of 19 & 20 Vict. c. 88.

V. The Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the present Reign (Chapter Ninety-five), intituled *An Act to give to the University of* Oxford *and to Colleges in the said University, and to the College of* Saint Mary *of* Winchester *near* Winchester, *Power to sell and exchange Lands under certain Conditions*; also the Forty-eighth Section of the Act passed in the same Session (Chapter Eighty-eight), intituled *An Act to make further Provision for the good Government and Extension of the University of* Cambridge, *of the Colleges therein, and of the College of King* Henry *the Sixth at* Eton, shall be and the same are hereby repealed; so, nevertheless, as not to prejudice or affect any Negotiations or Arrangements which shall have been entered upon or made under the Provisions of the said Act and Section, and which shall be actually pending at the Time of the passing of this Act, and which Negotiations or Arrangements the University or College shall, notwithstanding anything herein contained, be at liberty to complete under the said last-mentioned Provisions; but all Monies which shall become payable

thereunder shall be paid and applied in manner herein-before particularly mentioned; and any Monies which at the Time of the passing of this Act shall be standing to any Account appointed by the Church Estates Commissioners by virtue of the said Act and Section, and any Stocks, Funds, or Securities in or upon which any such Monies shall have been invested, shall be paid and transferred to the like Account as is herein-before directed in respect of the Monies to become payable under the Provisions of this Act.

Provisions as to Purchase of Lessees' Interests.

Power to purchase the Interests of Lessees in consideration of a gross Sum of Money or by an annual Charge.

VI. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, to purchase by Agreement from any Lessee holding under any Lease for Years or for a Life or Lives granted by such University or College, whereon a Rent less than Three Fourths of the clear yearly Value of such Lands shall have been reserved, the Term, Estate, and Interest of such Lessee in all or any of the Lands comprised in such Lease for such Consideration, either by Payment to such Lessee of a gross Sum of Money (to be provided or raised as hereafter mentioned) or by the Grant to such Lessee during the Residue then unexpired of the Term, or so long as such Lease but for such Purchase would have continued, such an annual Sum as may be agreed on between such University or College and Lessee respectively.

Apportionment of Rent in case of the Purchase of Part only of the Lands comprised in Lease.

VII. Upon the Purchase by such University or College of the Estate or Interest of any Lessee in a Part only of the Lands comprised in any Lease, it shall be lawful for the Steward, Chapter Clerk, Solicitor, or Agent of such University or College and such Lessee, by a Memorandum in Writing under their respective Hands, which may be indorsed on such Lease, to apportion the Rent reserved thereby, and declare what Part thereof shall continue payable thereunder; and thereupon such apportioned Part of the Rent shall be payable as if the same had been the Rent originally reserved in respect of the Lands not purchased; and where the Rent originally reserved was an ancient and accustomed Rent, the Part so continuing payable shall be deemed and taken to be the ancient and accustomed Rent for the Lands not purchased, and the Reservations, Covenants, and Agreements contained in such Lease, and the Powers and Authorities of such University or College, so far as the same shall be applicable to the Lands not purchased, shall remain in full Force as if such Purchase had not been made.

Consent of Sub-lessee with Covenant for Renewal.

VIII. If any Lands held under Lease from such University or College shall have been sublet, with a Covenant on the Part of the original Lessee to renew the Under-lease upon any Renewal of the original Lease, the Interest of the Lessee in such Lands shall not be purchased under this Act by such University

University or College, without the Consent in Writing of such Sub-lessee: Provided always, that such University or College shall not be prevented from making such Purchase, nor shall their Title to any such Lands be affected in respect of the Existence of any such Under-lease, unless such University or College shall have had Notice thereof in Writing, but the Sub-lessee shall, in Cases where a Purchase shall have been made without such Notice, be entitled to recover such Damages for the Loss of the Benefit of such Covenant against the Party bound by the Covenant for the Loss to be sustained by him as he would be entitled to in respect of its Non-performance on a Renewal by the original Lessee.

Power to University or College with Consent of Copyhold Commissioners to raise Money by Mortgage, to be applied to such Purchases.

IX. In case there shall not be any Monies, Stocks, Funds, or Securities, belonging to such University or College, properly and conveniently applicable in or towards such last-mentioned Purchase, it shall be lawful for such University or College, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and Common Seal in the Form or to the Effect set forth in the said Schedule hereto) to raise such Sum or Sums of Money as shall be required for that Purpose, and be stated in such Order, together with all reasonable Costs and Expenses by Mortgage for a specified determinable Term of Years of all or any of the Lands comprised in any such Lease which shall be so purchased as aforesaid.

Leasing Powers.

Power to grant Leases for a Term not exceeding 21 Years at Rack-rent.

X. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, from Time to Time after the passing of this Act, by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands which now are or at any Time hereafter shall be either at Law or in Equity vested in such University or College (except as herein-after is mentioned), with the Appurtenances, for any Term or Number of Years not exceeding Twenty-one Years, to take effect in possession and not in reversion or by way of future Interest, and at the best Rent that can be reasonably obtained for the same, so as there be not any Fine, Premium, or Foregift taken for the making thereof, and so as the Rent be made payable half-yearly or oftener, and so as sufficient Power of Entry be reserved for securing the Payment of the Rent and the Performance and Observance of the Lessee's Covenants therein, and so as the Lessee be not thereby made dispunishable for Waste, and so as the Lessee execute a Counterpart of the Lease; and every such Lease may be on such Terms and Conditions as such University or College may think reasonable.

Power to grant Building and Repairing

XI. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary* of

Leases for a Term not exceeding 99 Years.

of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, from Time to Time after the passing of this Act, by Indenture sealed by such University or College with their Common Seal, to lease all or any of the Lands which now are or at any Time hereafter shall be either at Law or in Equity vested in such University or College (except as herein-after is mentioned), with the Appurtenances, for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in possession and not in reversion or by way of future Interest, to any Person or Persons who may be willing to improve or repair the present or any future Houses thereon, or any of them, or to erect other Houses and Buildings in lieu thereof or in addition thereto, or to erect any Houses or other Buildings on any Land whereon no Building shall be standing, or who shall be willing to annex any Part of the same Lands to Buildings erected or to be erected on the said Lands or any Part thereof, or otherwise to improve the said Premises or any Part thereof, and with or without Liberty for the Lessee to take down any Buildings standing on the Lands in any such Lease to be comprised and to dispose of the Materials thereof to such Uses and for such Purposes as shall in such Lease be agreed upon, and with or without Liberty for the Lessee to lay out and appropriate any Part or Parts of the Lands to be comprised in any such Lease, as and for Accommodation Lands, Plantations, Gardens, Pleasure Grounds, Yards, or other Conveniences or Appendages, for the Use or Convenience of the Tenants or Occupiers of the said Houses or other Buildings, and also to set out and allot any Part or Parts of the Lands to be comprised in any such Lease, as and for Streets, Squares, or other similar Spaces of Ground, Roads, Avenues, Approaches, Courts, Ways, Passages, Sewers, Drains, Wells, Reservoirs, Yards, or otherwise, for the Use and Convenience of the Tenants or Occupiers for the Time being of the said Houses or Buildings, or of adjoining Houses or Buildings, or for the general Improvement thereof, or of any Part thereof; and also with or without Liberty for the Lessee to dig, take, and carry away, and dispose of such Earth, Clay, Sand, or Gravel as it shall be found convenient to remove for effecting any of the Purposes aforesaid; and also with or without any other Liberties, Easements, or Privileges which are or may be usual in Leases of a similar Description, so as there be reserved by every such Lease the best and most improved yearly Rent that can be reasonably obtained for the Premises comprised therein at the Time of the granting or making of such Lease, or the Contract for the same, payable half-yearly or oftener, during the Continuance of the Term thereby granted, and to be incident to and go along with the Reversion immediately expectant on the Determination thereof; and so as any such Lease be made without taking any Fine, Premium, or Foregift or anything in the Nature thereof, for or in respect of the making of the same; and so as in every such Lease made for the

the Purpose of having Buildings erected there shall be contained a Covenant on the Part of the Lessee to build, complete, and finish such Buildings within a Time to be therein specified for that Purpose; and so as in every such Lease made for the Purpose of having Buildings repaired or rebuilt there shall be contained a Covenant on the Part of the Lessee substantially to rebuild or repair the same within a Time to be therein specified for that Purpose; and so as in every such Lease, whether for building or repairing, or otherwise, there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be thereby reserved and (subject to the Provisions in this Behalf hereafter contained) of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised (except only the Tax (if any) for the Time being upon Property or Income in respect of the Rent reserved); and also a Covenant for keeping the Buildings erected and built, or to be erected and built, in repair during the Term thereby granted; and also a Covenant for keeping the Houses and Buildings (subject to the Provision in this Behalf hereafter contained) insured from Damage by Fire to the Amount of Three Fourths at least of the Value thereof in some or one of the Public Offices of Insurance, to be selected or approved from Time to Time by such University or College, and to lay out the Money to be received by virtue of such Insurance, and also all such other Sums as shall be necessary in rebuilding, repairing, and reinstating such Houses and Buildings as shall be destroyed or damaged by Fire; and also to surrender the Possession of, and leave in good Condition and Repair the Houses and Buildings erected and to be erected or rebuilt or repaired on the Premises therein comprised, on the Expiration or other sooner Determination of the Term to be thereby granted, or such Covenants on the Part of the Lessee as shall be in substance and effect the same as or equivalent to the Covenants herein-before specified; and so as in every such Lease there be contained a Power for such University or College, their Stewards, Surveyors, or Agents, to enter upon the Premises and inspect the Condition thereof, and also a Proviso or Condition of Re-entry for Nonpayment of the Rent thereby reserved for any Space not exceeding Forty Days, or for Nonperformance of any of the Covenants or Agreements on the Part of the Lessee therein contained; and also with or without a Proviso that no Breach of any of the Covenants or Agreements to be therein contained (except the Covenant for Payment of the Rent and other such Covenants or Agreements (if any) as such University or College shall think it reasonable to except) shall occasion any Forfeiture of such Lease, or of the Term thereby granted, or give any Right of Re-entry, unless or until Judgment shall have been obtained in an Action for such Breach, nor unless the Damages and Costs to be recovered in such Action shall have remained unpaid for the Space of Three Calendar Months after Judgment shall have been obtained in such Action, and so as there

there be not contained in any such Lease any Clause or Words authorizing the Lessee to commit Waste or exempting him from Punishment for committing Waste, save so far as may be necessary for or incident to the Purposes aforesaid, or any of them; and every such Lease may also contain any other Covenants, Provisoes, Conditions, Restrictions, and Stipulations which shall appear reasonable to such University or College, and particularly any Provisions that where any such Lease is granted with Liberty to erect thereafter any House or Houses on the Land thereby demised in addition to the House in respect of which the original yearly Rent thereby reserved shall be payable, then in addition to such original yearly Rent to be so reserved as aforesaid, there shall also be reserved any such additional yearly Rent, to become payable only in the event of such additional House or Houses being thereafter built as shall be the best and most improved additional yearly Rent that can, at the Time of the making or granting of such Lease, or for the Contract for the same, and considering the Nature and Circumstances of the Case, be reasonably obtained, and shall be made payable half-yearly or oftener, from a Time not later than the Time when the respective additional House is fit for Habitation and Use, and shall continue payable during the Remainder of the Term granted by such Lease, and be incident to and go along with the Reversion immediately expectant on the Determination thereof; and also a Provision for apportioning the Rent to be reserved in and by any such Lease, and for exonerating any Part of the Lands to be comprised in any such Lease from the Payment of any specified Portion of the whole Rent to be thereby reserved, and so that the respective Lessees execute Counterparts of their respective Leases.

Power to enter into Contracts for granting Leases, and afterwards to grant Leases pursuant thereto.

XII. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, by themselves, or by any Person or Persons acting on their Behalf, to enter into any Contract in Writing, either conditional or absolute, for making or granting any Lease authorized to be granted under the Provisions of this Act, and in any such Contract or Contracts (with the Consent of the Contractor or Contractors) to reserve Power to rescind and vary the same, and to enter into fresh Contracts or not, as such University or College shall think fit, and by any such Contract to agree when and as any Land or Buildings thereby agreed to be let, or any Part or Parts thereof shall be respectively built upon, rebuilt, or repaired, laid out, formed, or improved in the Manner and to the Extent to be stipulated in such Contract by one or more Indenture or Indentures to lease or cause to be leased the same Lands or Buildings or any Part thereof to the Person or Persons contracting to take the same as aforesaid, or his or her Executors, Administrators, or Assigns, or to his, her, or their Nominee or Nominees, for and during the Remainder of the Term to be specified in such Contract, and in such Parcels,

Parcels, and under and subject to such Portion or Portions of the yearly Rent to be specified in such Contract as shall be thought proper; and also (if such University or College shall think the same expedient) to agree that the yearly Rent agreed to be reserved in any such Contract may be made to commence at any such Periods within Two Years from the Date of such Contract, and may be made to increase periodically, beginning with such Portion of the full Rent thereby agreed to be paid as shall be thought advisable, and increasing up to the full Rent as shall be thought proper, and as in such Contract shall be expressed, Regard being had to the Quantity of Land from Time to Time agreed to be leased, and the Progress of the Buildings, Rebuildings, or Repairs stipulated to be erected or made thereon, or on some Part thereof; but so, nevertheless, that the full yearly Rent shall be made to commence at a Period not exceeding Five Years from the Date of the said Contract, with Liberty nevertheless to make Provisions in the same Contract for the Payment of an additional yearly Rent or Rents, in the event of any House or Houses being thereafter built on the Land comprised in the same Contract, in addition to the House or Houses in respect of which such original yearly Rent was reserved or made payable, and also to agree that when and as any Lease shall be granted of any Part of the Lands so contracted to be leased the Lands so for the Time being leased shall be discharged from such Contract, and that the Person with whom such Contract shall have been entered into shall remain liable in respect of such Part of the Lands comprised in such Contract as shall not for the Time being be leased to the Payment of such Portion only of the Rent by such Contract agreed to be paid as may be thought proper and shall in such Contract be provided for, and also to agree that the Person with whom such Contract shall be entered into may have, exercise, and enjoy all or any of the Liberties, Easements, and Privileges therein authorized to be granted, except such thereof as such University or College shall think reasonable to except: Provided also, that there may be contained in every such Contract as aforesaid such further or other Agreements and Stipulations as to such University or College shall seem reasonable.

Variations in Terms between Leases and Contracts not to be material, and Contracts not to form Part of Title.

XIII. No Lease granted or to be granted under the Powers of this Act shall be invalid by reason of any Variation between any such Lease and any prior Contract for a Lease which may have preceded the granting of such Lease, but every Lease to be granted as aforesaid shall be valid and effectual, notwithstanding such Variation, and no Person taking such Lease or claiming under such Lease shall be bound to inquire whether such Lease is in pursuance of or authorized by any such prior Contract, nor shall any such Person be in any Manner affected by anything contained in any such Contract, and the Contract or Contracts which shall have preceded such Lease shall not at Law or in Equity form a Part of the necessary Evidence of

of the Title of the Lessee or Lessees named in such Lease, or of his, her, or their Executors, Administrators, or Assigns, whether such Lease is or is not expressed to be granted under or in pursuance of any such previous Contract, provided that such Lease shall not be inconsistent or at variance with the Provisions and Restrictions herein contained with respect to the Leases hereby authorized to be granted.

Power to Universities and Colleges to insure Buildings, &c. comprised in any Lease, and to charge the Tenants with the Premiums.

XIV. It shall be lawful for the University and College, if they shall think fit, in any Lease to be granted under the Powers of this Act to cause to be omitted the Covenant on the Part of the Lessee, herein-before directed to be inserted, for keeping the Houses and Buildings comprised in such Lease, or to be erected and built on the Lands therein comprised, insured from Loss or Damage by Fire, and in lieu of such Covenant to insert or cause to be inserted in any such Lease a Covenant on the Part of such University or College to keep such Houses and Buildings insured from Loss or Damage by Fire to the Amount of Three Fourths at least of the Value thereof, and to lay out the Money which shall be received by virtue of such Insurance in substantially rebuilding, repairing, and reinstating such Houses or Buildings as shall be destroyed or damaged by Fire, and to cause to be inserted in such Lease such Covenants, Stipulations, and Provisions for securing to such University or College the Repayment of the Sum or Sums of Money which shall be paid by them in effecting or keeping on foot any such Insurance as such University or College shall think fit.

Power to Universities and Colleges to dispose of Brick Earth, &c.

XV. From and after the passing of this Act it shall be lawful for the said Universities, and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, either by themselves or by any Person or Persons on their Behalf, to enter into such Contract or Contracts in Writing, as they may deem expedient, with any Person who may be willing to purchase the Liberty or Privilege of digging and raising Gravel or Sand, or Earth, Loam, or Clay, suitable for making Bricks or Tiles, out of any Part of the Lands belonging to such University or College, and to grant to such Person, either by Indenture sealed with the Common Seal of such University or College, or by such other Ways or Means as may be deemed expedient, and for such Considerations as to such University or College shall appear reasonable or proper, the Liberty or Privilege of digging and raising such Gravel, Sand, Earth, Loam, or Clay, and of selling and disposing of the same, together with all such Powers as may be requisite for carrying such Contract or Contracts into effect: Provided always, that the net Monies which shall be received by the University or College for or in respect of the Grant of such Liberty or Privilege as aforesaid, shall be applied and disposed of by such University or College, in the Manner herein-after directed respecting the net Rents, Tolls, Duties, Royalties, and Reservations which shall be received by such University

University or College for or in respect of any Lease to be granted under the Authority of the Twentieth Section of this Act.

Lessors may enter into Arrangements with Lessees as for lighting, paving, &c.

XVI. From and after the passing of this Act it shall be lawful for the said Universities, and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, at any Time or Times to make or enter into any Arrangement or Arrangements with the Lessees or Tenants of the Lands leased under the Authority of this Act, or any or either of them, either alone or in conjunction with any other Person or Persons, for the lighting, paving, draining, and cleansing, or otherwise for the general Improvement or more convenient Use and Enjoyment of such Lands, or any Part thereof, or the Roads, Streets, Ways, Approaches, Avenues, or Passages in or about the same, and for such Purposes or any or either of them, to give and grant or allow such Easements, Rights, Liberties, and Privileges in or over such Lands, or any Part thereof, to any Person or Persons whomsoever, as by such University or College shall be deemed expedient, and under and subject to such Provisoes, Conditions, and Restrictions as shall be deemed proper; and for carrying into effect any such Arrangement, to enter into and to insert or cause to be inserted in any Lease or Leases or Contract or Contracts for any Lease or Leases, to be made or entered into by virtue of this Act, such Covenants, Agreements, and Stipulations on the Part of such University or College, or the said Lessee or respective Lessees, his, her, or their Heirs, Executors, Administrators, and Assigns, as by such University or College shall be thought requisite or proper.

Universities and Colleges may enter into Arrangements with Lessees as to Payment of Land Tax and Tithe Rentcharges.

XVII It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, if they shall think it expedient so to do, to enter into any Arrangement for the Payment by them of the Land Tax and Tithe Rentcharge, or either of them, for the Time being payable for or in respect of any of the Lands comprised in any Lease to be granted under the Authority of this Act, or any Part thereof, in exoneration therefrom of the respective Lessees or Tenants of such Lands, any or either of them, and to accept and reserve an additional or increased Rent or Rents in consideration thereof, and in any Lease or Leases, Contract or Contracts, to be made or entered into in pursuance of this Act to enter into or cause to be inserted such Covenants, Stipulations, and Agreements on the Part of such University or College, or the Lessee or Lessees, his, her, or their Heirs, Executors, Administrators, or Assigns, with respect to the Land Tax and Tithe Rentcharges, or either of them, to which the Lands thereby leased or agreed to be leased are or may be respectively liable, or any Part thereof, as upon a due Consideration of all Circumstances shall to such University or College seem advisable.

XVIII. It

Power to appropriate any Part of Lands for Streets, Squares, &c.

XVIII. It shall be lawful for the said Universities and any College therein respectively, and the College of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, to lay out and appropriate any Part or Parts of the Lands authorized to be leased on Building or Repairing Leases under the Provisions of this Act, as and for a Way or Ways, Streets, Squares, Approaches, Avenues, Roads, Courts, Passages, Sewers, Drains, Yards, Gardens, or Pleasure Grounds, or other Easements or Conveniences for the general Improvement of the said Lands, or for the Accommodation or Convenience of the Tenants and Occupiers thereof, in such Manner and upon such Terms, and either subject to or without being subject to any annual or other Payments by such Tenants or Occupiers as shall be mentioned or agreed upon in any Lease to be made in pursuance of this Act, or in any general Deed to be executed for that Purpose under the Common Seal of such University or College and to be enrolled in One of Her Majesty's Courts of Record at *Westminster*, and also by such Lease or by such general Deed to give such Privileges and other Easements in or over the said Lands or any Part thereof as such University or College shall deem reasonable or convenient.

Power to Lease running Water and Waterleaves and Wayleaves, &c.

XIX. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, from Time to Time after the passing of this Act, under such Restrictions as are hereafter mentioned, by any Deed to be executed under their Common Seal to grant by way of Lease unto any Person or Persons whomsoever any Liberties, Licences, Powers, or Authorities to have, use, or take, either in common with or to the Exclusion of any other Person or Persons, all or any of the Water flowing or which shall or may flow or be made to flow in, through, upon, or over any Lands belonging to such University or College, or any Part or Parts thereof (except as herein-after is mentioned), and also all Wayleaves or Waterleaves, Canals, Watercourses, Tramroads, Railways, and other Ways, Paths, Passages, either subterraneous or over the Surface of any Lands, Yards, Wharfs, or other like Easements or Privileges in, upon, out of, or over any Part or Parts of the Lands belonging to such University or College (except as herein-after is mentioned) for any Term or Number of Years not exceeding Sixty Years, to take effect in possession and not in reversion, or by way of future Interest, so as there be reserved on every such Grant by way of Lease as last aforesaid, payable half-yearly or oftener, during the Continuance of the Term thereby granted, the best yearly Rent or Rents, either in the shape of a stated or fixed Sum of Money, or by way of Toll or otherwise, that can be reasonably obtained for the same, without taking any Fine, Premium, or Foregift, or anything in the Nature of a Fine, Premium, or Foregift, for the making thereof, (other than any Provision or Provisions which

which it may be deemed expedient to insert in any such Grant, rendering it obligatory on the Grantee or Lessee, or Grantees or Lessees, to repair or contribute to the Repair of any Roads or Ways, or to keep open or otherwise use in any specified Manner any Water or Watercourse to be comprised in or affected by any such Grant or Lease,) and so as there be contained in every such Grant by way of Lease as last aforesaid, a Condition or Power of Re-entry or a Power to make void the same, in case the Rent thereby reserved or made payable, or any Part thereof, shall not be paid within some reasonable Time to be therein specified in that Behalf; and so as the respective Grantees or Lessees do execute Counterparts of the respective Grants or Leases; and generally that in and by any such Grant by way of Lease as last aforesaid, there shall or may be reserved and contained any other Reservations, Covenants, Agreements, or Stipulations whatsoever, not inconsistent with those hereby required to be reserved or contained, which it shall be deemed expedient to introduce therein.

Power to grant Mining Leases for a Term not exceeding Sixty Years.

XX. It shall be lawful for the said Universities and for any College therein respectively, and for the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, from Time to Time after the passing of this Act, by Indenture sealed with their Common Seal, to lease any Mines, Quarries, Minerals, and Substances in, under, or upon any Lands belonging to such University or College, either with or without any Messuages, Buildings, or Lands convenient to be held or occupied with the same respectively, and either with or without the Surface of any Lands in or under which the same or any Part thereof respectively shall lie, and whether the same have or have not been hitherto opened or worked, unto any Person or Persons for any Term or Number of Years not exceeding Sixty Years, to take effect in possession and not in reversion, or by way of future Interest, together with full Liberty, Power, and Authority to search, bore, dig, sink for, work, and raise the said Mines, Quarries, Minerals, and Substances, and to work any adjacent Mine by way of Outstroke or other underground Communication, and for those Purposes from Time to Time to do whatever shall be needful or requisite for, in, or about the winning, working, getting, cleansing, and smelting of the said Minerals and Substances, and for the manufacturing and carrying away the same, or otherwise incident to Mining Operations, so as in every such Lease there be reserved and made payable during the Term thereby granted the best and most improved yearly or other Rent or Rents, whether certain or contingent, either in Money or in Tolls, Duties, Royalties, and Reservations, by the Acre, or by the Ton, or otherwise, as can under the Circumstances of the Case be reasonably obtained for the same, and so as such Lease be made without any Fine, Premium, or Foregift for the same, and so as in every such Lease there be contained on the Part of the Lessee a Covenant for the due Payment of the Rent to be

be thereby reserved, and of all Taxes, Charges, Rates, Assessments, and Impositions whatsoever affecting the Lands therein comprised; and also a Proviso or Condition of Re-entry for Nonpayment of the Rent thereby respectively reserved for some reasonable Time to be therein specified, or for Nonperformance or Nonobservance of any of the Covenants or Agreements on the Part of the Lessee therein contained (except such, if any, of the same Covenants and Agreements, not being for the Payment of Rent, as such University or College shall think it reasonable to except), and so as there be not contained in such Lease any Clause or Words authorizing the Lessee to commit Waste, or exempting him from Punishment for committing Waste, save so far as may be necessary for the Purposes aforesaid, and so as the Lessee do execute a Counterpart of such Lease, and enter into such further or other Covenants and Agreements as such University or College granting such Lease shall deem expedient, due Regard being had in every Case to the Custom of the Country or District within which such Mines, Quarries, Minerals, or Substances are situate or found.

Application of Mineral Rents, &c.

XXI. All the net Rents, Tolls, Duties, Royalties, and Reservations which shall be received by the University or College, for or in respect of any Lease to be granted under the Authority of the last foregoing Section, shall be applied and disposed of by such University or College in manner following; (that is to say,) One equal Third Part of such net Rents, Tolls, Duties, Royalties, and Reservations shall be applicable and be applied by such University or College as Part of their ordinary Income, and the remaining Two equal Third Parts thereof shall be applicable and be applied by such University or College in or upon any of the Purposes following; (that is to say,) in the Purchase of Lands to be conveyed to the Use or for the Benefit of such University or College, or in the Erection of new Buildings, or in the Addition to and Enlargement of any existing Buildings, or in the Drainage or other permanent and lasting Improvement of any Lands belonging to such University or College, or in the Purchase of any Wayleaves, or other Easements, in, over, or upon any Lands adjoining or near to any such Lands; and in the meantime, until such Two equal Third Parts shall be applied in or upon any of the Purposes aforesaid, the same shall be invested by such University or College in the Purchase of Government Stocks, Funds, or Securities, and the Interest, Dividends, and annual Proceeds thereof shall be received by such University or College, and be applicable as Part of their ordinary Income.

Powers to release, enter into new Contracts, and accept Surrenders of Leases, &c.

XXII. It shall be lawful for the said Universities and any College therein respectively, and the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, at any Time to release any Person or Persons with whom any Contract or Contracts may be entered into in pursuance of this Act, and his, her, or their Executors, Administrators, and Assigns, from the Performance of all or any Part of

of the same Contract or Contracts respectively, and to enter into any new Contract or Contracts, according to the Provisions of this Act, with the same or any other Person or Persons, or his, her, or their Executors, Administrators, or Assigns, in lieu of the Contract or Contracts, or the Part or Parts of the Contract or Contracts, in respect whereof such Release shall have been made, and to enter into any new Covenants and Agreements with any Person or Persons with whom any Contract or Contracts may be entered into, by way of Addition to or Explanation or Alteration of all or any Part or Parts of the Covenants and Agreements in any such Contract or Contracts respectively contained; and also to accept a Surrender or Surrenders of all or any Part of the Lands which may be comprised in any such Contract or Contracts, and of all or any Part of the Lands comprised in any Lease to be granted under any of the Powers herein-before contained, or which shall have been granted before the passing of this Act; and upon any such Surrender to grant, according to the Powers herein-before contained, either to the Person surrendering or to any other Person or Persons, One or more new Lease or Leases of the Lands so surrendered, or any Part thereof, either alone or together with any other Lands, and with Liberty in regulating the Terms upon which such new Lease or Leases shall be granted to make such Allowance or Remuneration, either by way of annual Charge upon the Lands so surrendered, or otherwise, to the Person surrendering the same, or his or her Executors, Administrators, or Assigns, for the Value (if any) of the Estate or Interest which shall have been so surrendered, as to such University or College shall seem reasonable, but so that no such Allowance or Remuneration by way of annual Charge shall continue for a longer Term or Period than the Term or Period at which the Estate or Interest which shall be surrendered would, if not surrendered, have determined by Effluxion of Time: Provided always, that upon any such Surrender as aforesaid, it shall be lawful for the said University or College, if they shall think fit, to grant a new Lease or new Leases of the Lands so surrendered, either to the Person surrendering the same or to any other Person, for any Term or Number of Years not exceeding the then unexpired Residue of the Term granted by the surrendered Lease, at a Rent or several Rents equivalent to the Amount of the Rent which was reserved by the surrendered Lease in respect of the Entirety of the Lands so surrendered, and in making such new Lease or Leases, either again to subject the whole of the Lands so surrendered to a Rent equivalent to the whole Amount of the Rent which was payable for the same Lands under such surrendered Lease, or so to apportion the Amount of Rent which was payable under such surrendered Lease as that in the new Lease or Leases so to be made as aforesaid, some specific Part or Parts only, and not the whole of such Lands, shall be subject to the whole or some specific Portion only of the Amount of

Rent which was payable under such surrendered Lease, and so that if a Rent or Rents equivalent to the whole Amount of the Rent which was payable under such surrendered Lease shall by any such new Lease or Leases be reserved or made payable in respect of a Part or Parts only of such Lands, such University or College may grant a Lease or Leases of the Residue of such Lands at the yearly Rent of a Peppercorn: Provided always, that a Certificate in Writing under the Hand of the Solicitor, Steward, Chapter Clerk, or Agent for the Time being of such University or College, that the entire Rent mentioned in the surrendered Lease has been duly reserved in pursuance of this Enactment, shall, as regards the Lessee or Lessees under such new Lease or Leases, and all Persons claiming under him or them, be sufficient and conclusive Evidence of such Reservation: Provided also, that when and as any such new Lease shall be granted under the Powers herein contained, of any Lands comprised in any such surrendered Lease, the Lease so surrendered shall form no Part of the Title to such new Lease.

On Recovery of Possession of any Lands under a Condition of Re-entry new Leases may be granted.

XXIII. If the University or College shall at any Time hereafter enter upon and resume or recover Possession of any Lands comprised in any Lease or Contract to be granted or entered into under the Powers of this Act, by virtue of any Condition of Re-entry therein contained, then and in every such Case it shall be lawful for such University or College, if they shall think fit, to grant Leases or enter into Contracts to grant Leases, and afterwards to grant Leases of the same Lands, and every or any Part thereof, pursuant to the Powers and subject to the Restrictions herein contained: Provided always, that in any such Case as last aforesaid it shall be lawful for such University or College, if they shall think fit, to grant a Lease, or to enter into a Contract to grant a Lease, and afterwards to grant a Lease of the Lands comprised in any such forfeited Lease or Contract for any Term or Number of Years not exceeding the then unexpired Residue of the Term granted or agreed to be granted by such forfeited Lease or Contract at a yearly Rent or yearly Rents, which shall not be less in Amount than the yearly Rent reserved or agreed to be reserved by such forfeited Lease or Contract, but subject in all other respects to the Restrictions herein contained.

Power to confirm Leases which may be void or voidable by reason of any technical Error or Informality.

XXIV. If any Lease or Grant purporting to have been granted or made by virtue of this Act shall, by reason of any technical Error or Informality in exercising the Powers of this Act, be void or voidable, then and in every such Case it shall be lawful for the University or College, if they shall think fit, to confirm such Lease or Grant, or to make a new Lease or Grant of the Lands therein comprised, pursuant to the Powers and subject to the Restrictions herein contained, in lieu of such void or voidable Lease for any Term or Number of Years not exceeding the then Residue of the Term of Years granted or purported to be granted by such void or voidable Lease, and at

at and under a yearly Rent or yearly Rents which shall be not less in Amount than the yearly Rent reserved by such void or voidable Lease.

Receipts endorsed upon Leases, &c., to be Evidence of Execution of Counterparts.

XXV. A Memorandum in Writing under the Hand of the Steward, Chapter Clerk, Solicitor, or Agent of the University or College endorsed upon any Lease to be granted under the Powers of this Act, acknowledging that he has received such Counterpart of the said Lease as is hereby required to be executed, or a Recital or Statement in such Lease to the effect that such Counterpart has been duly executed, shall, in favour of the Lessee and of all Persons claiming under him, be conclusive Evidence that such Counterpart was duly made and executed pursuant to the Provisions of this Act.

Particular Property not to be leased.

XXVI. Provided always, That this Act or anything herein contained shall not authorize the granting of any Lease or the laying out or appropriating for the Purposes in this Act mentioned of any House, or Building or Lands forming Part of or attached to or locally situate within the Boundaries or Precincts of any College, or of any Offices, Outbuildings, Yards, and Gardens to any such College adjoining or appertaining, and which may be necessary or convenient for actual Occupation by the Members of any such College or any of them, or the Grant or Lease of any Mines, Minerals, Quarries, Ways, Watercourses, or other Easements the Grant thereof may be prejudicial to the convenient Enjoyment of any such House or Building, or the Offices or Gardens thereto belonging.

Powers to raise Monies, with Consent of Copyhold Commissioners, by Mortgage for certain Purposes.

XXVII. It shall be lawful for the said Universities and any College therein respectively, and for the Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, from Time to Time and at any Time hereafter, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and Common Seal, in the Form or to the Effect set forth in the said Schedule hereto) to raise by Mortgage of any Lands belonging to such University or College, for any Term of Years (determinable as hereafter provided), such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such raising and the Application thereof) as shall be certified by the Surveyor of the University or College to be properly required, and shall be authorized by the said Commissioners, with Interest thereon not exceeding the Rate to be specified in such Order, and to apply such Sum or Sums of Money for all or any of the Purposes following; (that is to say,) for or towards the Restoration and Improvement and (if need be) Enlargement of any House or Building forming Part of or connected with or otherwise belonging to such University or College, or for or towards the Erection of new or additional Houses or Buildings, or for the Extension and Improvement of any existing Houses or Buildings upon any Lands belonging to such University or College, or for the Drainage or other permanent and lasting Improvement of any Lands belonging to such University or College.

Provision for the Discharge of the Monies borrowed on Mortgages.

XXVIII. Where any Mortgage is made by any University or College, under either of the Powers herein-before contained for that Purpose, such University or College shall, out of the Rents and Profits of the Lands comprised in any such Mortgage, or out of the Funds and Revenues of such University or College, either repay the same Monies by the Grant of an Annuity, upon such Terms as shall be approved of by the said Commissioners, to the Lender or other Person to whom the same Monies shall be due, or shall keep down all the Interest of such Monies as the same shall become due, and annually thereafter reserve or raise out of the same Rents and Profits, or Funds and Revenues, and out of the Income arising from any such Sinking Fund as shall have been created under the Provisions following, One Thirtieth Part at least of the Amount of the Principal Debt, and apply the same to the Reduction thereof, either by direct Payment to the Lender or other Person to whom the same shall be due, if he shall consent or be under Engagements or otherwise required to receive the same, or by the Creation of a Sinking Fund for that Purpose in such Manner as shall be approved of by the said Commissioners, to the end that the whole of every such Principal Debt may be discharged, with the Mesne Interest thereof, out of the said Rents and Profits, or Funds and Revenues and Income, within or at the Expiration of the Period of Thirty Years from the borrowing thereof: Provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Debt, Interest, and Costs shall be discharged, and satisfied in manner aforesaid, the Mortgage Term thereby created shall absolutely cease and determine: Provided always, that where any such Mortgage is made for raising Money for the Purchase of the Estate or Interest of a Lessee of Lands held under such University or College, Provision shall be made for applying by some of the Means aforesaid, so long as the Lease but for such Purchase would have continued (unless the Monies secured by such Mortgage be sooner discharged), towards the Interest and Discharge of the Principal Money, such yearly Sum as shall be certified by the said Copyhold Commissioners to be equal to the clear yearly Value of the Lands comprised in such Lease, after deducting the Rent reserved to the University or College, and making other usual and proper Landlords Deductions.

Act to extend to Lands held in trust, or for special Endowments

XXIX. The Powers and Provisions of this Act in relation to any Lands vested in the said Universities and in any College therein respectively, and in the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, shall extend and be applicable not only to any Lands so vested as the Property or for the general Purposes of the University or College, but also to any Lands so vested which may be held upon any Trusts, or for any special Endowment or other Purpose connected with the University or College.

Act not to restrain existing Powers

XXX. Nothing in this Act contained shall restrain the said Universities or any College therein respectively, or the Colleges of

of *Saint Mary* of *Winchester* near *Winchester*, or of King *Henry* the Sixth at *Eton*, from exercising any Powers of Sale, Enfranchisement, Exchange, Purchase, or borrowing Monies, or from granting any Leases or making any Grants, whether by way of Renewal or otherwise, which the said Universities or any such College as aforesaid might have exercised or granted under the Provisions of any Public or Private Act of Parliament, or under any other Authority, or in any other Manner whatsoever, in case this Act had not been passed: Provided, that upon any Exchange being effected under the Provisions of "The Acts for the Inclosure, Exchange, and Improvement of Land" it shall be lawful for the "Inclosure Commissioners for *England* and *Wales*" to authorize any Monies by way of Equality of Exchange to be received by any such University or College, and any Monies to be so received shall be paid into the Bank of *England* to the Account and in manner herein-before particularly mentioned, and until such Payment as aforesaid no Order of Exchange shall be finally confirmed by the said last-named Commissioners, and a Recital of such Payment in the Order of Exchange shall be conclusive Evidence thereof: Provided also, that notwithstanding the Provisions of the Act passed in the Eighteenth Year of the Reign of Her Majesty Queen *Elizabeth*, Chapter Six, it shall not be necessary to reserve or make payable in Corn any Part of the Rent to be reserved upon any Lease to be granted under the Powers of this Act.

Christ Church to be considered a College.

XXXI. For the Purposes of this Act the Cathedral or House of *Christ Church* in *Oxford* shall be considered to be to all Intents and Purposes a College of the University

Interpretation of Terms.

XXXII. In the Construction of this Act (unless there be something in the Subject or Context repugnant thereto) the Word "Person," or the Word "Persons" shall include Corporations whether Aggregate or Sole authorized by Law to take and hold Lands; the Word "Lease" shall include Grant by Copy of Court Roll; the Word "Lands" shall include Tenements and Hereditaments, corporeal and incorporeal, and the Word "Lessee" shall include any Person or Body Corporate in whom any subsisting Lease or Grant, or the Term or Estate thereby granted in the whole or any Part of the Lands comprised in such Lease, is either by the original Grant or Demise, or by Assignment, Devise, or Operation of Law for the Time being vested.

Short Title.

XXXIII. It shall be sufficient for all Purposes to cite this Act as "The Universities and College Estates Act, 1858."

The SCHEDULE referred to in the foregoing Act.

Form of Order authorizing Sale or Enfranchisement or Exchange.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858" Exparte Oxford [*or*] University [*or* College in the University of].

WHEREAS a Statement has been submitted to the Copyhold Commissioners on behalf of the said University [*or* College] containing a Proposal for the Sale or Enfranchisement or Exchange [*as the Case may be*] of certain Lands, &c., belonging to the said University [*or* College] [*state shortly the Particulars of such Lands, &c., the Terms of such Enfranchisement, and the Consideration Money or Description of other Lands to be given in Exchange, with any other material Circumstances*]. Now the said Commissioners being of opinion, upon Consideration of the Circumstances, that the said proposed Sale [*or* Enfranchisement, *or* Exchange,] will be advantageous and for the Interests of the said University [*or* College] and their Successors, do authorize the said University [*or* College] to carry such proposed Sale [*or* Enfranchisement, *or* Exchange,] into effect upon the Terms above stated.

Witness their Hands and Common Seal,
this Day of

Form of Order approving a Reinvestment in the Purchase of other Lands.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." Exparte Oxford [*or*] University [*or* College in the University of].

WHEREAS there is now standing in the Books of the Governor and Company of the Bank of England to the Credit of the Account of the Copyhold Commissioners, Exparte [*here state the particular Account*], the Sum of £ [*insert Amount of Cash or Stock*], being Monies received from the Sale [*or* Enfranchisement, *or* for Equality of Exchange, *as the Case may be*] of certain Lands belonging to the said University [*or* College], by virtue of certain Orders heretofore issued by the said Commissioners under the Provisions of the said Act And whereas it has been represented to the said Commissioners that the Purchase of certain Lands situate at consisting of [*state shortly the Particulars of such Lands, the Purchase Money, with any other material Circumstances*] is a fit and proper Purchase whereon to invest the said Sum of £ [*or the Sum of £ , Part of the said aggregate Sum of £*]. Now the said Commissioners being of opinion, upon Consideration of the above Circumstances,

Circumstances, that the said proposed Purchase will be advantageous, and for the Interests of the said University [*or* College] and their Successors, do hereby approve of the same on the Terms above stated, and do direct that the same Purchase shall forthwith be completed by such University [*or* College], and that upon the Completion thereof the said Sum of £ , now standing to the Credit of the said Account of the said Commissioners as aforesaid, [*or* the said Sum of £ , to be paid or raised out of the said Sum of £ now standing to the Credit of the Account of the Commissioners as aforesaid,] shall be applied in Payment of the said Purchase Money.

Witness their Hands and Common Seal,
this Day of

Form of Order authorizing a Mortgage.

COPYHOLD COMMISSION.

In the Matter of "The Universities and College Estates Act, 1858." Exparte Oxford [*or*] University [*or* College in the University of].

WHEREAS a Statement has been submitted to the Copyhold Commissioners on behalf of the said University [*or* College], containing a Proposal for the raising of the Sum of £ by way of Mortgage of [*name the Lands proposed to be mortgaged, the Purposes for which the Sum is to be raised, with any other material Circumstances*]. Now the said Commissioners being of opinion, upon Consideration of the Circumstances, that the said proposed Sum of £ may be advantageously raised and applied in the Manner and for the Purposes aforesaid, do authorize the said University [*or* College] to raise the same Sum for the Purposes aforesaid by Mortgage of the said Lands, for any Term not exceeding Years, with Interest thereon in the meantime after the Rate of £ per Cent. per Annum, payable half-yearly during the Continuance of the said Loan, or [*as the Case may be*] by the Grant of an Annuity to be secured on such Lands in manner provided by the Twenty-seventh Section of this Act.

Witness their Hands and Common Seal,
this Day of

CAP. XLV.

An Act to amend the Provisions of an Act of the Sixth Year of King *William* the Fourth, for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*; and to make further Provision with respect to the Jura Regalia of the said County. [23d *July* 1858.]

'WHEREAS by an Act passed in the Sixth Year of the 'Reign of His late Majesty King *William* the Fourth, 'Chapter Nineteen, it was by the First Section enacted, that

'from and after the Commencement of that Act the Bishop of 'Durham for the Time being should have and exercise Episcopal and Ecclesiastical Jurisdiction only, and that from and 'after the Commencement of that Act the Palatine Jurisdiction, Power, and Authority theretofore vested in and 'belonging to the Bishop of *Durham* should be separated from the Bishoprick of *Durham*, and should be transferred to 'and vested in His Majesty, His Heirs and Successors, as a 'Franchise and Royalty separate from the Crown, and should 'be exercised and enjoyed by His Majesty, His Heirs and 'Successors, as a separate Franchise and Royalty, in as large 'and ample a Manner in all respects as the same had been 'theretofore exercised and enjoyed by the Bishop of *Durham*, 'and that all Forfeitures of Lands or Goods for Treason or 'otherwise, and all Mines of Gold and Silver, Treasure Trove, 'Deodands, Escheats, Fines, and Amerciaments, and all Jura 'Regalia, of what Nature or Kind soever, which if that Act 'had not been passed would or might belong to the Bishop 'of *Durham* for the Time being in right of the County Palatine of *Durham*, should be vested in His Majesty and His 'Successors in right of the same; and it was by the said Act 'provided, that nothing therein-before contained should prejudice or affect the Jurisdiction of any of the Courts of the 'said County Palatine, or any Appointment theretofore made 'to any Office in the said County Palatine, or any Act whatsoever theretofore done by the Bishop of *Durham* in right of 'the said County Palatine; and by the Ninth Section of the 'same Act it was provided, that nothing therein-before contained should have the Effect of severing or of separating 'from the said Bishoprick or of affecting the Rights and 'Powers of the said Bishop in, over, upon, and with respect 'to any Lordships, Manors, Houses, Lands, Tenements, Tithes, 'Rents, Collieries, Mines, Minerals, Rectories, Advowsons, 'Profits, or Emoluments, of any Kind or Description whatsoever, whether held in right of the said Bishoprick, or in 'right of the said County Palatine, or otherwise howsoever, 'other than and except only any Profits and Emoluments 'therein-before expressly mentioned and directed to be severed 'therefrom: And whereas by virtue of an Act passed in the 'Session of the Third and Fourth Years of the Reign of Her 'present Majesty, intituled *An Act to carry into effect, with 'certain Modifications, the Fourth Report of the Commissioners 'of Ecclesiastical Duties and Revenues*, and of a Scheme of the 'Ecclesiastical Commissioners, and an Order of Her Majesty 'in Council dated the Fourth Day of *April* One thousand 'eight hundred and fifty-six, and published in the *London 'Gazette* on the Twenty-second Day of the same Month, 'ratifying the said Scheme, with the Consent of the Right 'Reverend *Edward* then Bishop of *Durham*, testified by his 'Hand and Episcopal Seal being affixed to the said Scheme, 'all the Manors, Lands, Tithes, Tenements, and Hereditaments which then belonged, either in possession or reversion,

'to

'to the said Bishop in right of his Bishoprick (except Rights 'of Patronage, the Episcopal Residence at *Bishops Auckland*, 'with the Grounds thereto belonging, and certain other Lands 'specified in the Schedule to the said Scheme, and Sums of 'Money and Cash), and all the Estate and Interest therein 'of the said Bishop, are transferred to and become vested in 'the said Ecclesiastical Commissioners and their Successors, for 'the Purposes of the last-mentioned Act, and other Acts 'referred to in the said Scheme, as from the First of *October* 'then last: And whereas amongst the Jura Regalia claimed 'by the Bishop of *Durham* previously to and at the Time of 'the passing of the said first-recited Act was the Right to the 'Shore of the Sea between High-water Mark and Low-water 'Mark, and to the Beds and Shores of navigable Rivers so far 'as the Tide flows and reflows therein, within the said County 'of *Durham:* And whereas Doubts are entertained with respect 'to the said Claim, and with respect to the Construction of the 'said Act how far such Right is or has thereby become vested 'in Her Majesty: And whereas Doubts have also arisen how 'far some Portions of the said Seashore and of the said Beds 'and Shores of the said navigable Rivers do or do not belong 'to the See of *Durham*, as Parcel of some or One of the 'Manors, Seigniories, or Possessions appertaining thereto: And 'whereas for putting an end to all Controversy and Question 'with respect to the several Matters aforesaid, by a Memo-'randum of Agreement dated the Eleventh Day of *June* One 'thousand eight hundred and fifty-seven, made between the 'Honourable *Charles Alexander Gore*, a Commissioner of Her 'Majesty's Woods, Forests, and Land Revenues, on behalf of 'the Queen's most Excellent Majesty, of the one Part, and 'the Ecclesiastical Commissioners for *England* of the other 'Part, after reciting as is by this Act recited, and that it was 'desirable that the Doubts which had arisen as herein-before 'recited should be removed, it was, with the Approval of the 'Commissioners of Her Majesty's Treasury and of Her Ma-'jesty's Law Officers, agreed, that, subject to the Sanction 'of Parliament being obtained, the following Arrangement 'should be made concerning the Premises; that is to say, 'First, that, subject as therein-after mentioned, it should be 'considered or enacted that all the Estate and Interest of the 'Bishop in right of the See and County Palatine of *Durham*, 'or in right of any Manor, Parcel of that See, and also any 'Estate and Interest of Her Majesty the Queen in right of 'the said County Palatine, and whether by virtue of the 'recited Act of the Sixth and Seventh Years of King *William* 'the Fourth, Chapter Nineteen, or irrespectively of the said 'Act, in the Shores of the *German Ocean*, and of navigable 'Rivers below High-water Mark within the County of *Durham*, 'was by the last-mentioned Act or otherwise should become 'vested in Her Majesty in right of Her Crown, and that it 'should be provided that the same should be held by Her

Majesty

'Majesty as Part of the Hereditary Possessions of the Crown, 'Second, that such Declaration should not extend to such 'Lands recovered from the Flow of the Tide before the passing 'of the said Act of the Sixth and Seventh Years of *William* 'the Fourth as the Bishop had previously to that Act in fact 'received Rent from as reclaimed Land (which Land was to 'continue Parcel of the See of *Durham*); Third, that existing 'Leases by the Bishop of Parts of the Shores in question, not 'being such reclaimed Land as aforesaid, should be confirmed, 'but that the Rents reserved by them, or a fair Proportion of 'such Rents, if other Property was comprised in the same 'Lease, should in future be paid to the Crown; Fourth, that 'all Purchase Monies and Rents received on behalf of the 'Crown for Foreshore in any Part of the County should, after 'Payment of Expenses, be divided into Halves, and that one 'Moiety should be paid to the Ecclesiastical Commissioners, 'and the other Moiety be retained on behalf of Her Majesty; 'Fifth, that any Monies deposited in the Court of Chancery for 'Land taken since the Fifth Day of *July* One thousand eight 'hundred and thirty-six, being then Foreshore, and not pre-'viously reclaimed, for which Rent had been received by the 'Bishop, should in like Manner be divided equally between 'the Crown and the Ecclesiastical Commissioners, and that all 'Sales and Transactions in respect of which such Monies have 'been deposited should be confirmed; Sixth, the Definition of 'the County to be the same as in the Act of King *William* 'the Fourth, except that *Holy Island* was not to be included 'in the Arrangement; Seventh, a Schedule to be made out of 'the Premises coming within the Scope of the Third Article: 'And whereas it is expedient that the Arrangement referred 'to in the recited Memorandum of Agreement be carried into 'effect, subject to such Variations as are made by this Act, 'and that such further Provisions should be made as are 'herein-after contained; and Her Majesty has been graciously 'pleased to assent thereto:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Definition of the Words "the County of Durham."

I. That in this Act the Words "the County of *Durham*" shall have the same Interpretation and Meaning as in the said recited Act.

The Interest of the Bishoprick of Durham in the Foreshores of the County of Durham vested in Her Majesty.

II. All the Estate, Right, Title, and Interest of or to which Her Majesty the Queen is seised or entitled, in right of the said County Palatine, and also all the Estate, Right, Title, and Interest whatsoever of or to which the Bishop of *Durham* was at the Time of the passing of the first-recited Act, or of or to which the said Bishop or the Ecclesiastical Commissioners for *England* now is or are seised or entitled, either in right or as Part or Parcel of the County Palatine or See of *Durham*, or of any Lordship, Manor, or Seigniory forming Part of the Possessions

sessions of such See or County Palatine respectively, in and to the Soil and Freehold of the Beds and Shores of navigable Rivers so far as the Tide flows and reflows, and the Shores of the Sea below High-water Mark, and also (except as hereinafter provided) in and to any Inclosures, Embankments, or Encroachments made therefrom or thereupon respectively, within or adjacent to the County of *Durham*, and also in and to any Stocks, Funds, and Securities or Monies standing in the Name of the Accountant General of the Court of Chancery, representing the Purchase Money or Value of any Part of the Beds and Shores aforesaid, (subject, as regards the said Stocks, Funds, Securities, and Monies, to any Dispositions of the Interest of the See of *Durham* therein heretofore lawfully made by the Bishop of *Durham* for the Time being,) is and are by this Act transferred to and vested or declared to be vested in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part of the Hereditary Possessions and Land Revenues of the Crown, and to be within the ordering and Survey of Her Majesty's Court of Exchequer at *Westminster*, anything in the said first-recited Act notwithstanding, subject nevertheless to any Leases now affecting the same Premises or any Part thereof: Provided nevertheless, that nothing in this Act contained shall extend to the Island called "*Holy Island*," situate in that Part of the County Palatine of *Durham* called "*Islandshire*," neither shall anything herein contained extend to transfer to or vest in Her Majesty the Right or Title of the Bishop of *Durham* or of the Ecclesiastical Commissioners in or to any Land reclaimed from the Flow of the Tide in any navigable River or upon the Shore of the Sea within the County of *Durham*, from which the said Bishop had previously to the passing of the first-recited Act actually received Rent after the same had been so reclaimed, but all such last-mentioned reclaimed Land shall be deemed to have been and to be Parcel of the Possessions late belonging to the See of *Durham*, and now vested in the said Ecclesiastical Commissioners for *England*.

Certain Leases by the Bishop confirmed, but Rents received under some of them to be apportioned.

III. All Leases granted by the Bishop of *Durham* for the Time being of any Part or Parts of the Shores of any navigable River so far as the Tide flows, or of the Shores of the Sea, and of any Inclosures, Embankments, or Encroachments made therefrom or thereupon respectively, within or adjacent to the County of *Durham*, and all Leases of any Rights, of whatsoever Description, upon or over the Beds or Shores of any such navigable River, or of the Shore of the Sea within the same County, are by this Act confirmed, and all Rents and Profits of such reclaimed Land as aforesaid as is reserved to the said Ecclesiastical Commissioners by the Proviso to the Second Section of this Act shall continue to be received by the said Ecclesiastical Commissioners, and all other Rents and Profits which shall accrue due under any of the said Leases shall be paid to the Commissioners of Her Majesty's Woods, Forests, and

and Land Revenues, on behalf of the Queen's Majesty, Her Heirs and Successors, subject to the Provisions herein-after contained; and when any Lease shall comprise other Property in addition to that in respect of which the Rents and Profits are by this Act directed to be paid to Her Majesty, and One or more Rent or Rents is or are reserved in respect of the entire Premises demised, such Rent or Rents shall during the Subsistence of such Lease continue to be received by the said Ecclesiastical Commissioners, anything in this Act contained notwithstanding; but an Apportionment shall be made of such Rent or Rents, either by some competent Surveyor, to be agreed upon and appointed by the Commissioners of Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, and by the Ecclesiastical Commissioners, or by Two Surveyors (one to be nominated by each Party), and an Umpire to be named by such Two Surveyors, or by the major Part in Number of such Two Surveyors and Umpire; and every such Apportionment shall be conclusive, and the Proportion of the Rents and Profits which shall be apportioned to Her Majesty shall thenceforth during the Continuance of the Lease be paid by the said Ecclesiastical Commissioners to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, Her Heirs and Successors, subject nevertheless as herein-after mentioned; but the Apportionment of Rent herein-before directed shall in no Manner affect or prejudice any Lessee under any such Lease, nor affect or prejudice any Covenant, Proviso of Re-entry, or any other Proviso or Condition therein; and the said Ecclesiastical Commissioners shall during the Continuance of any such Lease have all such Powers of recovering the Rent, and of compelling the Performance of the Covenants, and Right of Re-entry, in all respects as if they were entitled to the Reversion of all the Hereditaments comprised in the Lease; but on any Determination of any Lease, including any Part of the Property belonging to Her Majesty, under the Provisions of this Act or otherwise, the same shall in all respects become subject to the Provisions of the several Acts of Parliament regulating the Management of the Possessions and Land Revenues of the Crown; and in lieu of the Schedule by the said recited Agreement directed to be made, the Counterparts of all Leases of any Hereditaments, the whole Rents arising in respect whereof are by this Act directed to be paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, shall immediately after the passing of this Act be delivered up to the same Commissioners, and Copies of the Counterparts of all Leases of any Hereditaments, the whole or a Portion of the Rents and Profits accruing in respect whereof are directed to be paid to the said last-named Commissioners, shall immediately after the passing of this Act be made in the Office of the Ecclesiastical Commissioners for *England*, and such Counterparts and Copies to be so delivered to the said Commissioners of Woods, and

and to be so made as aforesaid, shall be inrolled in the Office of Land Revenue Records and Inrolments, and the Inrolment thereof shall be admissible as Evidence of the said Leases respectively.

Rents and Proceeds from the Foreshores of Durham to be divided equally between the Crown and the Ecclesiastical Commissioners.

IV. All Rents and Profits and other Monies which may be received by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Provisions of this Act or otherwise howsoever, from, and the Proceeds of any Sales or Dispositions made by them or either of them of, any Part of the Bed or Shores of any navigable River so far as the Tide flows, or of the Shores of the Sea below High-water Mark, or of any Inclosures, Embankments, and Encroachments made therefrom or thereupon respectively within the County of *Durham*, and after deducting thereout all Costs, Charges, and Expenses in anywise incidental to the Sale or Management or Recovery of such Property, shall be divided into Moieties, and one Moiety of such Rent, Profits, Monies, and Proceeds shall be applied by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues as Part of the Hereditary Possessions and Land Revenues of the Crown, in the Manner prescribed by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, and the other Moiety thereof shall be paid by the same Commissioners to the Ecclesiastical Commissioners for *England;* but notwithstanding this Provision for the Apportionment of the said Rents, Profits, Monies, and Proceeds, the said Ecclesiastical Commissioners shall have no Right to interfere with the Management or Disposition of such Property, which shall be managed and disposed of in all respects as Part and Parcel of the Hereditary Possessions of the Crown, and as if no such Provision as last aforesaid had been made.

Forfeitures and other Jura Regalia vested in Her Majesty in right of Her Crown.

V. All Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Escheats, Fines, and Amerciaments, and all Jura Regalia, of what Nature or Kind soever, (other than any Estate and Interest in the Beds and Shores of navigable Rivers so far as the Tide flows, and in the Shore of the Sea, and any Inclosures, Embankments, and Encroachments therefrom or thereupon respectively, and as to which Premises Provision is herein-before contained,) which under the Provisions of the recited Act are vested in Her Majesty in right of the County Palatine of *Durham*, shall be and the same are hereby vested in Her Majesty, Her Heirs and Successors, in right of the Crown, and shall be exerciseable and recoverable, and the Proceeds therefrom shall be applied accordingly.

General Saving.

VI. Saving always to all and every Persons and Person, and Bodies Politic and Corporate, their, his, and her Heirs, Executors, Administrators, and Successors, (other than in the Cases already provided for and intended to be provided for by this Act,) all such Estates, Rights, Titles, and Interests as they and every or any of them had and enjoyed before the passing of the Act, or could or might have had or enjoyed in case this Act had not been passed.

CAP. XLVI.

An Act to remove Doubts as to the Validity of certain Marriages of *British* Subjects abroad.

[23d *July* 1858.]

'WHEREAS Marriages have from Time to Time been 'solemnized at *Moscow* in the Empire of *Russia*, in a 'Chapel there belonging to the *Russia* Company, but not 'belonging to any *British* Factory there, by the Chaplain, a 'Minister of the Church of *England*, and Doubts may be 'entertained concerning the Validity of such of the said 'Marriages as may have been solemnized since the passing 'of the Act of the Session holden in the Twelfth and Thirteenth 'Years of Her Majesty, Chapter Sixty-eight: And whereas 'certain Marriages of *British* Subjects were solemnized in '*Tahiti*, by or in the Presence of Mr. *George Charles Miller*, 'Her Majesty's Consul for the Island of *Tahiti* and its 'Dependencies, before the Authority, under the Hand of One 'of Her Majesty's Principal Secretaries of State, to solemnize 'and register Marriages according to the Provisions of the 'said Act of the Twelfth and Thirteenth Years of Her 'Majesty, was received by such Consul: And certain Marriages 'have been solemnized at *Ningpo*, by or in the Presence of 'Mr. *C. A. Sinclair*, Her Majesty's Vice-Consul there, and by 'or in the Presence of Mr. *Thomas Taylor Meadows*, acting 'as Vice-Consul at *Ningpo* in the Absence of the said *C. A. Sin-* 'clair, no such Authority as before mentioned to solemnize 'and register Marriages having been received by such Vice- 'Consul or Acting Vice-Consul; and Doubts may be entertained 'as to the Validity of such Marriages:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

12 & 13 Vict. c. 68.

Certain Marriages solemnized in Moscow, Tahiti, and Ningpo confirmed.

I. All Marriages which before the passing of this Act have been solemnized in the Chapel of the *Russia* Company at *Moscow* by the Chaplain of the said Company, or by any Minister in Holy Orders, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, and all Marriages solemnized in the Island of *Tahiti* or its Dependencies by or in the Presence of the said *George Charles Miller*, and all Marriages solemnized at *Ningpo* by or in the Presence of the said *C. A. Sinclair* or *Thomas Taylor Meadows* (both or one of the Parties to such respective Marriages being Subjects or a Subject of this Realm), shall be deemed and held to be as valid in the Law as if the same respectively had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Certificates received by Secretary of State to be

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar-General of Births and Marriages in *England* all such Certificates of the Marriages

Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State, under the Seal of the said *Russia* Company, or by Her Majesty's Consuls or Vice-Consuls at *Moscow, Tahiti,* and *Ningpo* respectively; and all Certificates which shall be transmitted to such Registrar-General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar-General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, "for registering Births, Deaths, and Marriages in *England*," concerning the certified Copies of Registers sent to the said Registrar-General, as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

sent to the Registrar-General, and certified Copies to be Evidence as under 6 & 7 W. 4. c. 86.

III. All Persons shall have the like Right to search such Certificates and to have certified Copies thereof, and upon the like Payment, as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act, and certified Copies of Registers therein mentioned; and Section Forty-three of such Act concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or Extract, shall be applicable with respect to the Certificates to be received by the said Registrar-General under this Act in the like Manner as such Enactment applies with respect to such Register Books.

Right to search Certificates, and have certified Copies.

CAP. XLVII.

An Act to amend the Law of False Pretences.

[23d *July* 1858.]

'WHEREAS it is expedient to amend the Law relating to False Pretences:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. If any Person shall by any False Pretence obtain the Signature of any other Person to any Bill of Exchange, Promissory Note, or any valuable Security, with Intent to cheat or defraud, every such Offender shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be sentenced to Penal Servitude for the Term of Four Years, or to suffer such other Punishment by Fine or Imprisonment, or by both, as the Court shall award.

Any Person obtaining Signature to Bill of Exchange &c. by False Pretences deemed guilty of Misdemeanor.

CAP. XLVIII.

An Act to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion. [23d *July* 1858.]

'WHEREAS it is expedient that One Oath should be 'substituted for the Oaths of Allegiance, Supremacy, 'and Abjuration now required by Law:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Oath to be taken instead of Oaths of Allegiance, Supremacy, and Abjuration.

I. Instead of the Oaths of Allegiance, Supremacy, and Abjuration, where the same are now by Law required to be taken and taken and subscribed respectively, the following Oath shall be taken and subscribed:

'I *A.B.* do swear, That I will be faithful and bear true 'Allegiance to Her Majesty Queen Victoria, and will defend 'Her to the utmost of my Power against all Conspiracies and 'Attempts whatever which shall be made against Her Person, 'Crown, or Dignity, and I will do my utmost Endeavour to 'disclose and make known to Her Majesty, Her Heirs and 'Successors, all Treasons and traitorous Conspiracies which 'may be formed against Her or them; and I do faithfully 'promise to maintain, support, and defend, to the utmost of my 'Power, the Succession of the Crown, which Succession, by 'an Act intituled "An Act for the further Limitation of the '"Crown, and better securing the Rights and Liberties of the '"Subject," is and stands limited to the Princess Sophia 'Electress of Hanover, and the Heirs of Her Body being 'Protestants, hereby utterly renouncing and abjuring any 'Obedience or Allegiance unto any other Person claiming or 'pretending a Right to the Crown of this Realm; and I do 'declare, that no Foreign Prince, Person, Prelate, State, or 'Potentate hath or ought to have any Jurisdiction, Power, 'Superiority, Pre-eminence, or Authority, ecclesiastical or 'spiritual, within this Realm: And I make this Declaration 'upon the true Faith of a Christian. So help me GOD.'

The Name of the Sovereign for the Time being to be used in the Oath.

II. Where in the Oath hereby appointed the Name of Her present Majesty is expressed or referred to, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the Crown, and better "securing the Rights and Liberties of the Subject," shall be substituted from Time to Time with proper Words of Reference thereto.

Oath appointed by this Act to be taken in the same Cases and in like

III. The Oath hereby appointed shall be taken and subscribed in the same Cases, and by and before the same Persons, and at the same Times and Places, as the Oaths of Allegiance, Supremacy, and Abjuration are respectively now directed to be

be taken, and taken and subscribed; and the taking and subscribing of the Oath hereby appointed shall have the like Effect as the taking, and taking and subscribing respectively of the Oaths of Allegiance, Supremacy, and Abjuration would have had if this Act had not been passed; and the Refusal, Neglect, or Omission to take and subscribe the Oath hereby appointed shall be attended with the like Disabilities, Incapacities, Penalties, Liabilities, and Consequences as now by Law provided in the Case of Refusal, Neglect, or Omission to take, or take and subscribe respectively the Oaths of Allegiance, Supremacy, and Abjuration; and all Provisions now in force shall be construed and take effect accordingly: Provided always, that no Person, having before the Commencement of this Act taken the Oaths of Allegiance, Supremacy, and Abjuration, shall be required to take and subscribe the Oath hereby appointed, unless and until he would be by Law required to take the said Oaths of Allegiance, Supremacy, and Abjuration in case this Act had not been passed.

Manner as the present Oaths.

IV. Provided always, That every Person of the Persuasion of the People called Quakers, and every other Person now by Law permitted to make his solemn Affirmation or Declaration instead of taking an Oath, shall, instead of taking and subscribing the Oath hereby appointed, make and subscribe a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "And I make this Declaration upon the true Faith of a Christian. So help me God;" and the making and subscribing of such Affirmation by a Person herein-before authorized to make and subscribe the same, with such Omission as aforesaid, shall have the same Force and Effect as the taking and subscribing by other Persons of the Oath hereby appointed.

Form of Affirmation for Quakers, &c.

V. 'And whereas by a certain Act passed in the Ninth Year 'of the Reign of King *George* the Fourth, intituled *An Act for* '*repealing so much of the several Acts as imposes the Necessity of* '*receiving the Sacrament of the Lord's Supper as a Qualification* '*for certain Offices and Employments*, a certain Declaration is 'prescribed to be taken in the Cases in the said Act mentioned: 'And whereas by an Act passed in the Ninth Year of the 'Reign of Her present Majesty, intituled *An Act for the Relief* '*of Persons of the Jewish Religion elected to Municipal Offices*, a 'certain other Declaration was permitted to be taken in certain 'Cases by Persons professing the Jewish Religion, instead of 'the Declaration required to be made and subscribed by the 'said Act of King *George* the Fourth: And whereas it is right 'to extend the Benefit of the last-recited Act to all other Cases 'in which the Declaration set forth in the said Act of the 'Ninth Year of the Reign of King *George* the Fourth is by 'Law required to be taken:' Be it enacted, That in all Cases which are not within the Provisions of the said Act of the Ninth Year of the Reign of Her Majesty, in which any other

Persons professing the Jewish Religion to make Declaration in certain Cases.

9 G. 4. c. 17.

8 & 9 Vict. c. 52.

of Her Majesty's Subjects are required by Law to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of King *George* the Fourth, Her Majesty's Subjects professing the Jewish Religion shall be required instead thereof to make and subscribe the Declaration set forth in the said Act of the Ninth Year of the Reign of Her present Majesty, which Declaration shall, with respect to such Person professing the Jewish Religion, be of the same Force and Effect as if he made and subscribed the said Declaration by the said Act of the Ninth Year of the Reign of King *George* the Fourth, and shall be made and subscribed at the same Times and Places respectively, and preserved of Record in the same Manner, as the last-mentioned Declaration is now by Law required to be made, subscribed, and preserved.

Act not to affect Roman Catholic Relief Act, 10 G. 4. c. 7.

VI. Provided also, That nothing in this Act contained shall be held to alter or affect the Provisions of an Act passed in the Tenth Year of King *George* the Fourth, Chapter Seven, "for the Relief of His Majesty's Roman Catholic Subjects."

CAP. XLIX.

An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

[23d *July* 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to either House of Parliament to modify the Form of Oath to be taken instead of the Oaths of Allegiance, &c. by a Person professing the Jewish Religion, to entitle him to sit and vote in such House.

I. Where it shall appear to either House of Parliament that a Person professing the Jewish Religion, otherwise entitled to sit and vote in such House, is prevented from so sitting and voting by his conscientious Objection to take the Oath which by an Act passed or to be passed in the present Session of Parliament has been or may be substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the Form therein required, such House, if it think fit, may resolve that thenceforth any Person professing the Jewish Religion, in taking the said Oath to entitle him to sit and vote as aforesaid, may omit the Words "and I make this Declaration upon the true Faith of a Christian," and so long as such Resolution shall continue in force the said Oath, when taken and subscribed by any Person professing the Jewish Religion to entitle him to sit and vote in that House of Parliament may be modified accordingly; and the taking and subscribing by any Person professing the Jewish Religion of the Oath so modified shall, so far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing by other Persons of the said Oath in the Form required by the said Act.

As to the Form of Oath in other Cases.

II. In all other Cases, except for sitting in Parliament as aforesaid, or in qualifying to exercise the Right of Presentation to any Ecclesiastical Benefice in *Scotland*, whenever any of Her Majesty's Subjects professing the Jewish Religion shall be

be required to take the said Oath, the Words "and I make this Declaration upon the true Faith of a Christian" shall be omitted.

III. Nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Jewish Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of *Great Britain* or *Ireland*, or the Office of Lord Lieutenant or Deputy or other Chief Governor or Governors of *Ireland*, or Her Majesty's High Commissioner to the General Assembly of the Church of *Scotland*.

Act not to enable Persons professing the Jewish Religion to hold certain Offices.

IV. Where any Right of Presentation to any Ecclesiastical Benefice shall belong to any Office in the Gift or Appointment of Her Majesty, Her Heirs or Successors, and such Office shall be held by a Person professing the Jewish Religion, the Right of Presentation shall devolve upon and be exercised by the Archbishop of *Canterbury* for the Time being; and it shall not be lawful for any Person professing the Jewish Religion, directly or indirectly, to advise Her Majesty, Her Heirs or Successors, or any Person or Persons holding or exercising the Office of Guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or the Lord Lieutenant or Lord Deputy, or any other Chief Governor or Governors of *Ireland*, touching or concerning the Appointment to or Disposal of any Office or Preferment in the United Church of *England* and *Ireland*, or in the Church of *Scotland*; and if such Person shall offend in the Premises he shall, being thereof convicted by due Course of Law, be deemed guilty of a high Misdemeanor, and disabled for ever from holding any Office, Civil or Military, under the Crown.

Rights of Presentation to any Ecclesiastical Benefice possessed by Persons professing the Jewish Religion to devolve upon the Archbishop of Canterbury for the Time being.

CAP. L.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*.

[23d *July* 1858.]

'WHEREAS an Act was passed in the Session holden 'in the Tenth and Eleventh Years of the Reign of Her 'present Majesty, intituled *An Act to amend the Law as to* 'Ecclesiastical Jurisdiction in England, by which it was enacted, 'that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight 'hundred and forty-eight, and, if Parliament were then sitting, 'until the End of the then Session of Parliament; and by 'sundry Acts, and ultimately by an Act of the Session holden 'in the Twentieth Year of Her Majesty (Chapter Ten), the 'said Provisions were continued until the First Day of *August* 'One thousand eight hundred and fifty-seven, and to the End 'of the then next Session of Parliament: And whereas since 'the passing of the last-mentioned Act such of the said Provisions as relate to Matters Testamentary and the Admini-

10 & 11 Vict. c. 98.

'stration of the Personal Estates of Intestates have been 'repealed: And whereas it is expedient that such of the said 'Provisions as have not been repealed should be further con-'tinued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such of the said Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty as were continued by the said Act of the Twentieth Year of Her Majesty, and have not been since repealed, shall continue until the First Day of *August* One thousand eight hundred and fifty-nine, and to the End of the then next Session of Parliament.

Certain temporary Provisions of recited Act continued.

CAP. LI.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [23d *July* 1858.]

16 & 17 Vict. c. 137.

'WHEREAS by "The Charitable Trusts Act, 1853," it 'was provided, that that Act should not, for the Period 'of Two Years from the passing thereof, extend or be in any 'Manner applied to Charities or Institutions the Funds or 'Income of which were applicable exclusively for the Benefit 'of Persons of the Roman Catholic Persuasion, and which were 'under the Superintendence or Control of Persons of that 'Persuasion: And whereas by "The Charitable Trusts Amend-'ment Act, 1855," such Charities or Institutions as aforesaid 'were exempted in like Manner from the Operation of the 'said Amendment Act, and the Exemption so extended was 'continued until the First Day of *September* One thousand 'eight hundred and fifty-six, and has since been extended to 'the First Day of *September* One thousand eight hundred and 'fifty-eight: And whereas it is expedient that such Exemption 'should be continued as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 124.

20 & 21 Vict. c. 76.

Exemption continued until 1st September 1859.

I. The said Acts shall not, until the First Day of *September* One thousand eight hundred and fifty-nine, extend or be in any Manner applied to the Charities or Institutions aforesaid.

CAP. LII.

An Act to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in *Ireland*, and to make Provision for the Appointment of Tipstaffs in the Superior Courts of Common Law and Equity in *Ireland*. [23d *July* 1858.]

'WHEREAS by the Twenty-ninth Section of the Thir-'teenth and Fourteenth *Victoria*, Chapter Eighteen, and 'the Two hundred and thirty-sixth Section of the Sixteenth

'and

'and Seventeenth *Victoria*, Chapter One hundred and thirteen, 'certain Duties of attending the Consolidated Nisi Prius Court 'as Clerk of Nisi Prius were imposed upon the Registrars 'of the Lord Chief Justices and Lord Chief Baron of the 'Superior Courts of Common Law in *Ireland:* And whereas 'by the Fifth Section of the Nineteenth and Twentieth '*Victoria*, Chapter One hundred and two, certain other Duties 'were imposed upon the said Registrars: And whereas it has 'been found inconvenient to have the Duties of Clerk of Nisi 'Prius to the said Consolidated Nisi Prius Court discharged 'by Three different Officers, and it is expedient to appoint One 'permanent Clerk of Nisi Prius for the said Consolidated Nisi 'Prius Court, to discharge the Duties thereof so imposed upon 'the said Registrars as aforesaid, and which said Officer should 'also discharge the said additional Duties imposed by the said 'Fifth Section of the Nineteenth and Twentieth *Victoria*, 'Chapter One hundred and two, upon the said Registrars as 'aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Clerk of Nisi Prius.

I. There shall be a permanent Registrar or Clerk of Nisi Prius for the Discharge of the Duties of the said Consolidated Nisi Prius Court, who shall discharge the Duties imposed by the said Fifth Section of the Nineteenth and Twentieth *Victoria*, Chapter One hundred and two, upon the said Registrars as aforesaid; and such Registrar or Clerk of Nisi Prius shall receive by way of Salary an annual Sum not exceeding Three hundred Pounds, together with One hundred Pounds *per Annum* and no more to provide a Clerk or Clerks to assist the Registrars in discharge of all Duties imposed under the recited Acts, or either of them, to be payable out of or chargeable upon such Sums as Parliament shall from Time to Time provide for the Purpose.

Thomas Courtenay, Esq., to be such Clerk of Nisi Prius.

II. That *Thomas Courtenay* Esquire, the present Registrar of the Lord Chief Justice of *Ireland*, be and he is hereby appointed such Clerk of Nisi Prius for the Discharge of the aforesaid Duties; and when and so often as a Vacancy shall occur in the said Office of Registrar or Clerk of Nisi Prius by Death, Resignation, or otherwise, it shall be lawful for the Lord Chief Justices and Lord Chief Baron of the said Superior Courts of Common Law, in rotation, to nominate and appoint some fit and proper Person to fill such vacant Office, the next Appointment to be made by the Chief Justice of the Common Pleas.

To remove Doubts as to Office of Tipstaff.

III. 'And whereas Doubts have arisen as to the Office of 'Tipstaff in the Superior Courts of Common Law and Equity 'in *Ireland:*' Be it enacted, That from and after the passing of this Act it shall be lawful for the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice of the Queen's Bench, the

Lord Chief Justice of the Common Pleas, and the Lord Chief Baron respectively for the several Courts to appoint fit and proper Persons to perform the Duties of Tipstaff to such Court: Provided always, that the Persons who now perform the Duties of the said Office shall be reappointed to such Office, if they shall be found willing and competent to discharge the Duties thereof, in preference to any Person who shall not have performed such Duties prior to the passing of this Act; and when and so often as any Vacancy shall occur by Death, Resignation, or otherwise in such Office, it shall and may be lawful for the Lord Chancellor, the Master of the Rolls, the Lord Chief Justice, or Lord Chief Baron of the Court in which such Vacancy shall occur to nominate and appoint some fit and proper Person to fill such Vacancy; and all Persons to be appointed to such Office shall hold the said Office during the Pleasure of the Court to which they shall respectively belong: Provided always, that nothing herein contained shall affect the Tipstaves of the several Judges of the Courts of Common Law, or the Right of appointing such Tipstaves.

CAP. LIII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. [23d *July* 1858.]

'WHEREAS under an Act of the Session holden in the 'Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-three), "to consolidate and continue the Copyhold "and Inclosure Commissions, and to provide for the Comple- "tion of Proceedings under the Tithe Commutation Acts," 'certain Powers of appointing Commissioners and other Officers 'as therein mentioned were limited to continue for Two Years 'next after the Day of the passing of that Act, and thenceforth 'until the End of the then next Session of Parliament, and no 'Commissioner or other Officer or Person appointed or con- 'tinued under that Act was to hold his Office for a longer 'Period than Two Years next after the Day of the passing of 'that Act, and thenceforth until the End of the then next 'Session of Parliament: And whereas by certain Acts, and 'ultimately by an Act of the Session holden in the Twentieth 'Year of Her Majesty, Chapter Eight, the said Powers of 'appointing Commissioners and other Officers have been 'continued, and the Period limited for the holding of Office 'under the said first-mentioned Act has been extended until 'the First Day of *August* One thousand eight hundred and 'fifty-seven, and thenceforth until the End of the then next 'Session of Parliament: And whereas it is expedient that the 'said Powers of the said first-mentioned Act should be con- 'tinued, and that the said Period thereby limited should be 'extended as herein-after mentioned:' Be it therefore enacted by

14 & 15 Vict. c. 53.

20 Vict. c. 8.

by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the First Day of *August* One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament, and the Period limited for the holding of Office under the said Act shall in like Manner be extended until the said First Day of *August* One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament.

Powers of Appointment of Commissioners, &c. under 14 & 15 Vict. c. 53. continued.

CAP. LIV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [23d *July* 1858.]

'WHEREAS divers Persons who, on account of their 'Offices, Places, Employments, or Professions, or any 'other Cause or Occasion, ought to have taken and subscribed 'the Oaths or Assurance respectively appointed to be by such 'Persons taken and subscribed in and by an Act of the First 'Year of King *George* the First, Statute Two, Chapter Thirteen; 'or to have qualified themselves according to an Act of the 'Thirteenth Year of King *Charles* the Second, Statute Two, 'Chapter One; or according to an Act of the Twenty-fifth 'Year of King *Charles* the Second, Chapter Two; or according 'to an Act of the Thirtieth Year of King *Charles* the Second, 'Statute Two; or according to an Act of the Eighth Year of 'King *George* the First, Chapter Six; or according to an Act 'of the Ninth Year of King *George* the Second, Chapter 'Twenty-six; or according to an Act of the Eighteenth Year 'of King *George* the Second, Chapter Twenty; or according 'to an Act of the Sixth Year of King *George* the Third, 'Chapter Fifty-three; or according to an Act of the Ninth 'Year of King *George* the Fourth, Chapter Seventeen; or 'according to an Act of the Tenth Year of King *George* the 'Fourth, Chapter Seven, so far only as the said Act relates to 'any Civil or Military Offices or Places of Trust, or Places of 'Profit, or Corporate Offices, have, through Ignorance of the 'Law, Absence, or some unavoidable Accident, omitted to 'take and subscribe the Oaths and Assurance and make and 'subscribe the Declaration required by the said recited Acts or 'either of them, or otherwise to qualify themselves as aforesaid, 'within such Time and in such Manner as in and by the said 'Acts respectively is required, whereby they have incurred, or 'may be in danger of incurring, divers Penalties and Disabili-'ties:' For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen

1 G. 1. st. 2. c. 13.
13 C. 2. st. 2. c. 1.
25 C. 2. c. 2.
30 C. 2. st. 2.
8 G. 1. c. 6.
9 G. 2. c. 26.
18 G. 2. c. 20.
6 G. 3. c. 53.
9 G. 4. c. 17.
10 G. 4. c. 7.

by means of such Omissions, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-nine, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves, according to the above-mentioned Acts and every of them; and all Elections of, and Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

II. 'And

II. 'And whereas several Persons well affected to Her 'Majesty's Government, and to the United Church of *England* 'and *Ireland*, have, through Ignorance of the Law, neglected, 'or been, by Sickness or other unavoidable Causes, prevented 'from taking and subscribing the Oaths and Declaration 'according to the Directions of an Act passed in the Parliament 'of *Ireland* in the Second Year of Queen *Anne*, intituled *An* '*Act to prevent the further Growth of Popery*:'

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-nine, or if Parliament be then sitting before the End of the then Session of Parliament.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to indemnify Persons against whom final Judgment has been given.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Not to exempt Justices acting without legal Qualification.

V. 'And whereas the Appointment of divers Clerks of the 'Peace, Town Clerks, and other Public Officers, and the 'Admission of divers Members and Officers of Cities, Cor-'porations, and Borough Towns, in *Great Britain* and *Ireland*, 'or the Entries of such Admissions in the Court Books, Rolls, 'or Records of such Cities, Corporations, and Borough Towns 'which by several Acts are directed and required to be 'stamped, may not have been provided, or the same not 'stamped, or may have been lost or mislaid:'

Admissions to Corporations may be stamped after the Time allowed.

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same

same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-nine, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing so avoided or legally filled up and enjoyed shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

VII. In

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon. General Issue.

CAP. LV.

An Act to revive and continue an Act amending the Act for limiting the Time of Service in the Army.

[23d *July* 1858.]

'WHEREAS by an Act of the Session holden in the 'Eighteenth and Nineteenth Years of Her Majesty, 'Chapter Four, "to amend the Act for limiting the Time of '"Service in the Army," it was enacted, that for Three Years 'after the passing of the Act now in recital any Person might 'be enlisted to serve Her Majesty or in the Forces of the *East* '*India* Company as a Soldier for any such Term not exceeding 'Ten Years in the Infantry or Twelve Years in the Cavalry 'or Artillery or other Ordnance Corps as might be authorized 'by any Order or Orders of Her Majesty in Council in that 'Behalf: And whereas it is expedient to revive and continue 'the said Act:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 18 & 19 Vict. c. 4.

I. The said Act of the Eighteenth and Nineteenth Years of Her Majesty shall continue in force as if Six Years after the passing of the said Act had been mentioned therein instead of Three Years, and shall be deemed and taken to have had effect accordingly, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the said Term of Three Years. Act revived and continued.

CAP. LVI.

An Act to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.

[23d *July* 1858.]

'WHEREAS it is expedient to amend the Law relating to 'the Confirmation of Executors in *Scotland*, and to extend 'over the United Kingdom the Effect of such Confirmation, 'and of Grants of Probate and Administration:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Practice of raising Edicts of Executry to cease.

I. From and after the Twelfth Day of *November* One thousand eight hundred and fifty-eight, the Practice of raising Edicts of Executry before the Commissary Courts in *Scotland*, for the Decerniture of Executors to deceased Persons, shall cease, and it shall not be competent to any Person to obtain himself decerned Executor in virtue of any such Edict raised subsequently to the Date aforesaid.

Petition to Commissary to be substituted.

II. From and after the Date aforesaid every Person desirous of being decerned Executor of a deceased Person as Disponee, Next of Kin, Creditor, or in any other Character whatsoever now competent, or of having some other Person, possessed of such Character, decerned Executor to a deceased Person, shall, instead of applying, as heretofore, for an Edict of Executry from the Commissary, present a Petition to the Commissary for the Appointment of an Executor, which Petition shall be in the Form as nearly as may be of the Schedule (A.) hereunto annexed, and shall be subscribed by the Petitioner or by his Agent.

Form of Petition as in Schedule (A.)

To whom Petition to be presented.

III. Such Petition shall be presented to the Commissary of the County wherein the Deceased died domiciled, and in the Case of Persons dying domiciled furth of *Scotland*, or without any fixed or known Domicile, having Personal or Moveable Property in *Scotland*, to the Commissary of *Edinburgh*.

Mode of intimating Petition.

IV. Every such Petition, in place of being published at the Kirk-door and Market Cross, as Edicts of Executry have been in use to be published, shall be intimated by the Commissary Clerk affixing on the Door of the Commissary Court House, or in some conspicuous Place of the Court and of the Office of the Commissary Clerk, in such Manner as the Commissary may direct, a full Copy of the Petition, and by the Keeper of the Record of Edictal Citations at *Edinburgh* inserting in a Book to be kept by him for that Purpose the Names and Designations of the Petitioner and of the deceased Person, the Place and Date of his Death, and the Character in which the Petitioner seeks to be decerned Executor, which Particulars the Keeper of the Record of Edictal Citations shall cause to be printed and published weekly, along with the Abstracts of the Petitions for General and Special Services, in the Form of Schedule (B.) hereunto annexed: Provided always, that to enable the Keeper of the Record of Edictal Citations to make such Publication, the Commissary Clerk shall transmit to him the said Particulars, and to enable the Commissary Clerk to grant the Certificate after mentioned, the Keeper of the Record of Edictal Citations shall transmit to the Commissary Clerk a Copy, certified by the said Keeper, of the printed and published Particulars, all in such Form and Manner and on Payment of such Fees as the Court of Session by Act of Sederunt may direct.

V. The

V. The Commissary Clerk, after receiving the certified Copy of the printed and published Particulars, shall forthwith certify on the Petition that the same has been intimated and published, in Terms of the Provisions of this Act, in the Form of Schedule (C.) hereunto annexed, and such Certificate shall be sufficient Evidence of the Facts therein set forth: Provided always, that where a Second Petition for Confirmation is presented in reference to the same Personal Estate, the Commissary shall direct Intimation of such Petition to be made to the Party who presented the First Petition.

Certificate of Intimation of Petition.

Additional Intimation of Petition in certain Cases.

VI. On the Expiration of Nine Days after the Commissary Clerk shall have certified the Intimation and Publication of a Petition for the Appointment of an Executor as aforesaid, the same may be called in Court, and an Executor decerned, or other Procedure may take place, according to the Forms now in use in case of Edicts of Executry, and with the like Force and Effect; and Decree Dative may be extracted on the Expiration of Three lawful Days after it has been pronounced, but not sooner: Provided always, that nothing herein contained shall alter or affect the Law as to Executors finding Caution; and that Bonds of Caution for Executors may be partly printed and partly written.

Procedure on Petition.

Decree Dative.

Proviso as to Caution

VII. Provided always, That nothing herein-before contained shall alter or affect the Course of Procedure now in use before the Commissaries in Confirmations of Executors Nominate.

Not to affect present Procedure.

VIII. Inventories of Personal Estates of deceased Persons and relative Testamentary Writings may be given up and recorded in, and Confirmations may be granted and issued by, any Commissary Court to which it is competent to apply in virtue of the Provisions of this Act for the Appointment of an Executor Dative to the Deceased.

Where Inventories, &c may be recorded.

Confirmations may be granted.

IX. From and after the Date aforesaid it shall be competent to include in the Inventory of the Personal Estate and Effects of any Person who shall have died domiciled in *Scotland* any Personal Estate or Effects of the Deceased situated in *England* or in *Ireland*, or both: Provided, that the Person applying for Confirmation shall satisfy the Commissary, and that the Commissary shall by his Interlocutor find that the Deceased died domiciled in *Scotland*, which Interlocutor shall be conclusive Evidence of the Fact of Domicile: Provided also, that the Value of such Personal Estate and Effects situated in *England* or *Ireland* respectively shall be separately stated in such Inventory, and such Inventory shall be impressed with a Stamp corresponding to the entire Value of the Estate and Effects included therein, wheresoever situated within the United Kingdom.

Inventory may include Personal Estate in any Part of United Kingdom

X. Confirmation shall be in the Form, or as nearly as may be in the Form, of Schedules (D) and (E.) hereunto annexed; and such Confirmations shall have the same Force and Effect with the like Writs framed in Terms of the Acts of Sederunt passed on the Twentieth *December* One thousand eight hundred and

Form and Effect of Confirmations

and twenty-three and the Twenty-fifth *February* One thousand eight hundred and twenty-four, or at present in use.

Oaths before whom to be taken.

XI. Oaths and Affirmations on Inventories of Personal Estates given up to be recorded in any Commissary Court may be taken either before the Commissary or his Depute, or the Commissary Clerk or his Depute, or before any Commissioner appointed by the Commissary, or before any Magistrate or Justice of the Peace within the United Kingdom or the Colonies, or any *British* Consul.

Confirmation produced in Probate Court of England, and sealed, to have the Effect of Probate or Administration.

XII. From and after the Date aforesaid, when any Confirmation of the Executor of a Person who shall in manner aforesaid be found to have died domiciled in *Scotland*, which includes, besides the Personal Estate situated in *Scotland*, also Personal Estate situated in *England*, shall be produced in the Principal Court of Probate in *England*, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in *Scotland*, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in *England* as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate.

Confirmation produced in Probate Court of Dublin, and sealed, to have the Effect of Probate or Administration.

XIII. From and after the Date aforesaid, where any Confirmation of the Executor of a Person who shall so be found to have died domiciled in *Scotland*, which includes, besides the Personal Estate situated in *Scotland*, also Personal Estate situated in *Ireland*, shall be produced in the Court of Probate in *Dublin*, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in *Scotland*, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in *Ireland* as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate in *Dublin*.

Probate or Letters of Administration produced in Commissary Court, and certified, to have Effect of Confirmation.

XIV. From and after the Date aforesaid, when any Probate or Letters of Administration to be granted by the Court of Probate in *England* to the Executor or Administrator of a Person who shall be therein, or by any Note or Memorandum written thereon signed by the proper Officer, stated to have died domiciled in *England*, or by the Court of Probate in *Ireland* to the Executor or Administrator of a Person who shall in like Manner be stated to have died domiciled in *Ireland*, shall be produced in the Commissary Court of the County of *Edinburgh*, and a Copy thereof deposited with the Commissary Clerk of the said Court, the Commissary Clerk shall endorse or write on the Back or Face of such Grant a Certificate in the Form as near as may be of the Schedule (F.) hereunto annexed; and such Probate or Letters of Administration, being duly stamped, shall be of the like Force and Effect and

and have the same Operation in *Scotland* as if a Confirmation had been granted by the said Court.

For securing the Stamp Duties, Probates, &c to be deemed granted for all the Property in the United Kingdom.

XV. In any of the aforesaid Cases where the deceased Person shall be stated in or upon the Probate or Letters of Administration to have been domiciled in *England* or in *Ireland*, as the Case may be, such Probate or Letters of Administration shall, for the Purpose of securing the Payment of the full and proper Stamp Duties, be deemed and considered to be granted for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom, within the Meaning of the Act of Parliament passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and of all other Acts of Parliament granting or relating to Stamp Duties on Probates and Letters of Administration in *England* and *Ireland* respectively; and the Affidavit required by Law to be made on applying for Probate or Letters of Administration in *England* or *Ireland* as to the Value of the Estate and Effects of the Deceased; and also where the Commissary shall in manner aforesaid find that the Deceased was domiciled in *Scotland*, the Inventory required by Law to be exhibited and recorded in the proper Commissary Court in *Scotland* before obtaining Confirmation, or intermitting with or entering upon the Possession or Management of the Personal or Moveable Estate or Effects of the Deceased in *Scotland*, shall respectively extend to and include the whole of the Personal and Moveable Estate of the deceased Person in the United Kingdom, and the Value thereof; and the Stamp Duties for the Time being chargeable on Probates and Letters of Administration and on Inventories respectively shall be chargeable upon any Probate or Letters of Administration to be granted, and any Inventory to be exhibited and recorded as aforesaid respectively, for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom, and the Value thereof; and the said Affidavit shall also separately specify the Value of the said Estate and Effects in *Scotland*.

Inventory to include all such Property.

Provisions of former Acts to apply to the Probates, Letters of Administration, and Inventories mentioned in this Act.

XVI. For the Purpose aforesaid, and also for granting Relief where too high a Stamp Duty shall have been paid on any such Probate or Letters of Administration, or Inventory, the Provisions contained in Sections Forty, Forty-one, Forty-two, and Forty-three of the said Act passed in the Fifty-fifth Year of His Majesty King *George* the Third, relating to Probates and Letters of Administration granted in *England*, and the like Provisions in the Act passed in the Fifty-sixth Year of the said King, Chapter Fifty-six, relating to Probates and Letters of Administration granted in *Ireland*, and the Provisions contained in the Act passed in the Forty-eighth Year of the said King, Chapter One hundred and forty-nine, relating to Inventories in *Scotland*, and also all other Provisions contained in the said Acts respectively, or in any other Act or Acts relating to Probates and Letters of Administration and Inventories respectively, shall apply to the Probates and Letters of Administration

nistration to which effect is given by this Act, and to the whole of the Personal and Moveable Estate of the Deceased for or in respect of which the same shall, in pursuance of this Act, be deemed to be granted, wheresoever situate in the United Kingdom; and also to the Inventories in which the whole of the Personal and Moveable Estate of the Deceased, wheresoever situate in the United Kingdom, ought, in pursuance of this Act, to be included, in as full and ample a Manner as if all such Provisions were herein enacted in reference to such Probates, Letters of Administration, and Inventories respectively.

Affidavit as to Domicile to be made on applying for Probate or Administration.

XVII. Provided, That in any Case where, on applying for Probate or Letters of Administration, it shall be required to be stated as aforesaid that the Deceased was domiciled in *England* or in *Ireland*, the Affidavit so as aforesaid required by Law shall specify the Fact according to the Deponent's Belief, which shall be sufficient to authorize the same to be so stated in or upon the Probate or Letters of Administration: Provided also, that any such Statement, and the Interlocutor of the Commissary finding that the Deceased was domiciled in *Scotland*, shall be Evidence, and have effect for the Purposes of this Act only.

Acts of Sederunt to be passed for following out Purposes of this Act.

XVIII. It shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time, to pass such Acts of Sederunt as shall be necessary and proper for regulating in all respects the Proceedings under this Act before the Commissary of *Edinburgh* and other Commissaries in *Scotland*, and following out the Purposes of this Act, and also the Fees to be paid to Agents before the said Courts, and to the Commissary Clerks and other Officers of Court, and the Expense of Publication of Petitions.

Former Acts of Sederunt repealed if inconsistent with this Act.

XIX. All former Acts, and Acts of Sederunt made in virtue thereof, so far as inconsistent with the present Act, are hereby repealed; and this Act may be amended or repealed by any Act to be passed during the present Session of Parliament, and may be cited as the "Confirmation and Probate Act, 1858."

Interpretation of Terms.

XX. The Word "Commissary" shall include Commissary Depute, and the Term "Commissary Clerk" shall include Commissary Clerk Depute.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of a Petition for Appointment of an Executor to a deceased Person.

Unto the Honourable the Commissary of [*specify the County*], the Petition of *A.B.* [*here name and design the Petitioner*];

Humbly sheweth,

That the late *C.D.* [*here name and design the deceased Person to whom an Executor is sought to be appointed*] died at [*specify Place*]

Place], on or about the [*specify Date*], and had at the Time of his Death his ordinary or principal Domicile in the County of [*specify County, or* "furth of Scotland," *or* "without any fixed Domicile," *or* "without any known Domicile," *as the Case may be*].

That the Petitioner is the only Son and Next of Kin [*or state what other Relationship, Character, or Title the Petitioner has, giving him Right to apply for the Appointment of Executor*].

May it therefore please your Lordship to decern the Petitioner Executor Dative quâ Next of Kin to the said *C.D.* [*or state the other Character in which the Petitioner claims to be appointed Executor*].

According to Justice, &c.

[*Signed by the Petitioner or his Agent.*]

SCHEDULE (B.)

Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland.

County.	Name and Designation of Petitioner.	Title of Petitioner.	Name and Designation of Defunct.	Place and Date of Death.
Edinburgh.	*A.B.*, Writer in Edinburgh.	Next of Kin.	*C.D.*, Merchant in Edinburgh.	No. George St., Edinburgh, 1st January 1857.

SCHEDULE (C.)

Form of Certificate by Commissary Clerk of Publication of a Petition for the Appointment of an Executor.

I, *A.B.*, Commissary Clerk [*or* "Commissary Clerk Depute," *as the Case may be,*] of the County of [*specify County*], hereby certify that this Petition was intimated by affixing a Copy thereof on the Door of the Court-house [*if some other Place has been directed by the Commissary, specify it*], on the [*specify Date*], and by being published by the Keeper of the Record of Edictal Citations at Edinburgh, in the printed Roll of Petitions for the Appointment of Executors in the Commissary Courts of Scotland, printed and published on [*specify Date*].

A.B.

SCHEDULE (D.)

Form of a Testament Dative or Confirmation of the Executor of a Person who has died without naming one.

I, *A.B.*, Commissary of the County of [*specify County*], considering that by my Decree, dated [*specify Date*], I decerned *C.D.* Executor Dative quâ Next of Kin [*or other Character, as the Case may be,*] of the late *E.F.*, who died at [*specify Place*],

on [*specify Date*], and seeing that the said *C.D.* has since given up on Oath an Inventory of the Personal Estate and Effects of the said *E.F.* at the Time of his Death situated in Scotland [*or* situated in Scotland and England, *or* in Scotland and Ireland, *or* in Scotland, England, and Ireland, *as the Case may be*], amounting in Value to Pounds, which Inventory has been recorded in my Court Books of Date [*specify Date*], and that he has likewise found Caution for his Acts and Intromissions as Executor: Therefore I, in Her Majesty's Name and Authority, make, constitute, ordain, and confirm the said *C.D.* Executor Dative quâ [*specify Character*] to the Defunct, with full Power to him to uplift, receive, administer, and dispose of the said Personal Estate and Effects, and grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of Executor Dative quâ [*specify Character*] is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariot [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.

SCHEDULE (E.)

Form of a Testament Testamentar or Confirmation of an Executor Nominate.

I, *A.B.*, Commissary of the County of [*specify County*], considering that the late *C.D.* died at [*specify Place*], upon [*specify Date*], and that by his last Will [*or other Writing containing the Nomination of Executor*], dated [*specify Date*], and recorded in my Court Books upon [*specify Date*], the said *C.D.* nominated and appointed *E.F.* to be his Executor, and that the said *E.F.* has given up on Oath an Inventory of the Personal Estate and Effects of the said *C.D.* at the Time of his Death situated in Scotland, [*or* situated in Scotland and England, *or* situated in Scotland and Ireland, *or* situated in Scotland, England, and Ireland, *as the Case may be*,] amounting in Value to Pounds, which Inventory has likewise been recorded in my Court Books of Date [*specify Date*]: Therefore I, in Her Majesty's Name and Authority, ratify, approve, and confirm the Nomination of Executor contained in the foresaid last Will [*or other Writing containing the Nomination of Executor*]; and I give and commit to the said *E.F.* full Power to uplift, receive, administer, and dispose of the said Personal Estate and Effects, grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of an Executor Nominate

Nominate is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariot of [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.

SCHEDULE (F.)

I, *A.B.*, Commissary Clerk [*or* Commissary Clerk Depute] of the County of Edinburgh, hereby certify that this Grant of Probate has [*or* these Letters of Administration have] been produced in the Commissary Court of the said County, and that a Copy thereof has been deposited with me.

CAP. LVII.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years. [23d *July* 1858.]

'WHEREAS an Act was passed in the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years:* And whereas it is expedient that the said Act should be amended:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 108.

Leases under 5 & 6 Vict. c. 108. may be granted in consideration of Premiums; and Sales or Exchanges of Lands may be effected in certain Cases.

I. In any Case in which it shall be made to appear to the Satisfaction of the Ecclesiastical Commissioners for *England* that all or any Part of the Lands, Houses, Mines, Minerals, or other Property of or belonging to any Ecclesiastical Corporation, which are by the said Act authorized to be leased, might, to the permanent Advantage of the Estate or Endowments belonging to such Corporation, be leased in any Manner, or be sold, exchanged, or otherwise disposed of, it shall be lawful for any Ecclesiastical Corporation, aggregate or sole, except as in the said Act is excepted, from Time to Time, with such Consents as in the said recited Act mentioned, and with the Approval of the said Commissioners, to be testified by Deed under their Common Seal, to lease all or any Part or Parts of the Lands, Houses, Mines, Minerals, or other Property belonging to such Corporation, whether the same shall or shall not have been previously leased or dealt with under the Provisions of the said recited Act or of this Act, and either in consideration or partly in consideration of Premiums or not, or

for such other Considerations, and for such Term or Terms, and under and subject to such Covenants, Stipulations, Conditions, and Agreements on the Part of the Lessee or Lessees, and generally in such Manner as the said Commissioners shall under the Circumstances of each Case think proper and advisable; and also with the like Consents as are by the said recited Act required to the granting of a Lease (other than and except the Consent of the Lord of a Manor thereby required in regard to a Lease of Copyhold Hereditaments), and with the Approval of the said Commissioners, to be testified as aforesaid, absolutely to sell or convey in Exchange or by way of Partition, or otherwise dispose of, all or any Part or Parts of such Lands, Houses, Mines, Minerals, and other Property, whether the same shall have been previously leased under the Provisions of this Act or the said recited Act or not, for such Equivalent, either in Money, or in Lands, Tenements, or Hereditaments, or partly in Money and partly in Lands, Tenements, or Hereditaments, or for such other Considerations or Purposes, as the said Commissioners shall deem reasonable and proper, and on every or any such Exchange or Partition to give or receive, in such Manner as is herein-after mentioned, any Sum or Sums of Money by way of Equality of Exchange or Partition: Provided always, that no such Sale by the Incumbent of a Benefice as is above mentioned shall be authorized by the said Commissioners unless Three Months Notice in Writing of such proposed Sale shall have been given to the Bishop of the Diocese in which the Benefice is situate.

Application of Monies produced by Sales, &c.

II. All Sums of Money which shall be payable by way of Premium on the granting of any such Lease, and all Rents, Royalties, and other Reservations to be reserved or made payable by any such Lease of any Mines, Minerals, Quarries, or Beds, and all Monies to arise on any such Sale, or to be received on any such Exchange or Partition, shall be payable and paid to the said Commissioners as if they were the sole Lessors or Vendors of the Property leased or sold in consideration thereof, and the Receipt of the Treasurer or Treasurers of the said Commissioners for the Time being shall be a good and sufficient Discharge for the Consideration for any Property so sold, and the Purchaser shall not be bound to see to the Application of such Consideration when so paid; or such Monies, or any Part thereof, may, with the Approval of the said Commissioners, be permitted to remain charged by way of Mortgage to the said Commissioners upon the Premises so leased, sold, or conveyed in Exchange or Partition, at such Rate of Interest, for such Period, and upon such Terms as the Parties, with such Approval, may agree upon; and on such Mortgage being discharged the Money thereby secured shall be paid to the said Commissioners as aforesaid; and all such Sums of Money so to arise or be received as aforesaid, after Payment of the Expenses incident to the Transaction in respect of which the same became payable, shall, at such Time or Times as

as the said Commissioners may think proper, be laid out by them in the Purchase of other Lands, Houses, and Hereditaments convenient to be held by the Corporation in whose Behalf the same shall have been received; and the Lands, Houses, and Hereditaments so to be purchased, and also the Lands, Houses, and Hereditaments which shall be received on any such Exchange or Partition as aforesaid, shall be conveyed and assured in such Form and Manner that the same may become the Property of and be vested in such last-mentioned Ecclesiastical Corporation for ever, and shall be subject to all the same Powers and Provisions as the Hereditaments from the leasing, selling, exchanging, or partitioning of which the Money wherewith the same were purchased would have been subject if no such Lease, Sale, Exchange, or Partition had been made, except so far as is otherwise provided by this Act, the Statute of Mortmain or any other Act or Rule of Law to the contrary notwithstanding; and until the Money so to arise or be produced or received as aforesaid shall be laid out in such Purchase, the same shall be invested, as soon as conveniently may be after the same shall have been carried to Account in the Books of the said Commissioners, in the Names of the said Commissioners for the Time being in the Public Stocks or Funds, and the Dividends thereof shall be paid to the Person or Persons to whom the Rents and Profits of the said Hereditaments to be purchased would go or belong in case such Purchase were actually made.

Power to raise Money to be paid for Equality of Exchange or Partition.

III. For the Purpose of raising any Sum or Sums of Money which may be agreed to be paid for Equality of Exchange or Partition, or for the Purchase of any Freehold Land, or of any outstanding Leasehold Interest in Land, belonging to any Ecclesiastical Corporation, over and above the Money then belonging to such Corporation and available for any such Purpose as aforesaid, it shall be lawful for every such Corporation, with such Approval and Consents as aforesaid, to borrow the same upon the Security and to execute a Mortgage or Mortgages of all or any Part or Parts of the Hereditaments belonging to such Corporation, for any Term or Terms of Years redeemable on Payment of the Principal Sum or Sums so borrowed, with Interest for the same; and the Principal Money so secured may be discharged out of any Principal Monies belonging or accruing to such Corporation under the said recited Act or this Act or otherwise.

Power to enter into and vary Contracts and accept Surrenders.

IV. For all or any of such Purposes as aforesaid, it shall be lawful for every such Ecclesiastical Corporation, with such Approval and Consents as aforesaid, from Time to Time to enter into, make, and execute such Contracts and Agreements, and to grant such Licences or Permissions to search for Mines, and such other Powers preliminary to or consequent upon any such Contract, and also to alter, vary, or rescind the same, and accept Surrenders of any Lease or Leases, and release any Lessee or Lessees in respect of Breaches of Covenant, in such

Manner and for such Considerations as to the said Commissioners shall appear advisable; and the Lands with respect to which any Contract shall be abandoned or Surrender taken shall be subject to all the Powers and Provisions of the said recited Act and of this Act; and all Contracts and Agreements so entered into by any Person as aforesaid in his Corporate Capacity shall be binding upon his Successors, and may be enforced against them.

Provision for Payment of Expenses of Leases.

V. Any Ecclesiastical Corporation as aforesaid, with the Approval of the said Commissioners, may charge the Amount of the Expenses to be incurred in carrying into effect any of the Provisions of the said recited Act or of this Act on any Lands, Tenements, or Hereditaments belonging to such Corporation, but so nevertheless that the Charge upon such Lands shall be lessened in every Year following by One Twentieth Part at the least of the whole original Charge thereon.

This Act not to interfere with the Act 14 & 15 Vict. c. 104.

VI. Provided always, That no Sale, Exchange, or Partition shall be made under the Provisions of this Act of any Lands or Hereditaments held so as to be capable of being sold, enfranchised, or conveyed in Exchange, according to the Provisions of an Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, so long as any of the Powers contained in the said Act for Sale, Enfranchisement, or Exchange shall remain in force with reference to such Lands or Hereditaments.

This Act not to repeal Powers under former Acts.

VII. Provided also, That nothing in this Act contained shall repeal any of the Powers or Authorities vested in the said Commissioners by an Act of the Sixth and Seventh Years of Her Majesty's Reign, intituled *An Act to make better Provision for the spiritual Care of populous Parishes*, or in any other Act relating to the Ecclesiastical Commissioners for *England*, with respect to or over Lands, Tithes, Rentscharge, Tenements, and other Hereditaments vested or liable to be vested in them, or to repeal or alter any of the Powers or Authorities contained in any of the Acts now in force for or relating to the Enfranchisement of Copyholds, or in any of the Acts for the Inclosure of Commons or other Lands or Grounds, or in any of the Church Building Acts, so far as any of such Powers or Authorities apply to or affect the Estates of Ecclesiastical Corporations; but the Powers and Authorities contained in this Act shall be considered cumulative or alternative to the Powers and Authorities contained in the said several other Acts herein-before referred to.

On Sale or Purchase of Part of Estate held under a Lease the Rent to be apportioned.

VIII. Upon the Sale or Purchase on behalf of any Ecclesiastical Corporation of the Estate or Interest of any Lessee in a Part only of the Lands comprised in any Lease, whereby the Leasehold Interest in the Land so sold or purchased shall become extinguished in the Reversion, it shall be lawful for the said Commissioners, by a Memorandum in Writing under their Common Seal, which may be endorsed on such Lease, to apportion the Rent reserved thereby, and declare what Part thereof

thereof shall continue payable thereunder, and thereupon such apportioned Part of the Rent shall be payable as if the same had been the Rent originally reserved in respect of the Lands not sold or purchased; and such Apportionment shall be valid and binding upon or against all Persons interested in such last-mentioned Lands; and where the Rent originally reserved was an ancient and accustomed Rent, the Part so continuing payable shall be deemed and taken to be the ancient and accustomed Rent for the Lands not sold or purchased, and the Reservations, Covenants, and Agreements contained in such Lease, and the Powers and Authorities of any such Ecclesiastical Corporation, so far as the same shall be applicable to the Lands not sold or purchased, shall remain in full Force as if such Sale or Purchase had not been made.

No Lease to be granted of Land acquired under the Act, except at Rackrent.

IX. No Lease of any Lands purchased or acquired, or in which the Estate or Interest of a Lessee, or of a Holder of Copyhold or Customary Land, shall be purchased or acquired by any Ecclesiastical Corporation under this Act, shall (except under the express Power contained in the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign, or in this Act,) be made or granted otherwise than from Year to Year, or for a Term of Years in possession, not exceeding Fourteen Years, at the best annual Rent that can be reasonably gotten, without Fine, and the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste.

Improved Value of Dignities, Offices, and Benefices to be paid to Commissioners.

X. All the Clauses contained in the said first-recited Act respecting Improvements in the annual Value of any Dignity, Office, or Benefice by means of any Lease granted under that Act shall extend and apply to any Improvement of Income which may accrue by means of any Lease, Sale, Exchange, Partition, Purchase, or Investment to be granted or made under the Provisions of this Act; save and except that with respect to all Improvements of Income which have accrued or shall accrue to any Benefice under the Provisions of the said recited Act or this Act it shall be lawful, by the Authority in the said recited Act mentioned, and subject to the like Notice being given to the Patron or Patrons of such Benefice as is by the said Act required, at any Time or Times after the Commencement of such Improvement, and notwithstanding the Period of Three Years limited by the said Act may have expired, to direct that from such Time (not operating retrospectively, nor so as to affect the Incumbent in possession at the Time of the granting of any such Lease) as shall be fixed by the said Commissioners such Portion of the improved Income as the said Commissioners shall deem expedient shall be paid to the said Commissioners, to be applied according to the Directions in that Behalf contained in the said Act; and also save and except that the Clause No XIV. of the said Act entitled in the Margin thereof, "Portion of improved Value "under Mining Leases to be paid to Commissioners," shall be and the same is, so far as it relates to any Lease to be hereafter

granted by any Rector, Vicar, or Incumbent of any other Benefice with Cure of Souls, hereby repealed.

Sect. 18. of 5 & 6 Vict. c. 108. repealed.

XI. The Clause No. XVIII. of the said recited Act, entitled in the Marginal Note "Surveyor to make Valuation, &c. when "a new Lease is intended," shall be and the same is hereby repealed.

Other Clauses not hereby repealed incorporated in this Act.

XII. All the several Clauses and Provisions contained in the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign which are not by this Act expressly or by necessary Implication repealed, so far as the same are applicable, and are not modified by this Act or inconsistent with the Provisions thereof, shall be incorporated with and be construed as forming Part of this Act.

Short Titles.

XIII. In citing the said recited Act of the Fifth and Sixth Years of Her Majesty's Reign, or this Act, in any other Act of Parliament, or in any legal Instrument, it shall be sufficient to use the Expression "The Ecclesiastical Leasing Acts," or "The Ecclesiastical Leasing Act, 1842," or "The Ecclesiastical Leasing Act, 1858," as the Case may be.

Act to extend only to England and Wales, Isle of Man, &c.

XIV. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

CAP. LVIII.

An Act for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of *Stanhope* and *Wolsingham* in the County of *Durham* belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

[23d *July* 1858.]

19 Car. 2. c. 15. (Private.)

'WHEREAS by a Private Act of Parliament passed in 'the Nineteenth Year of the Reign of His Majesty King 'Charles the Second, Chapter Fifteen, after reciting that 'Humphrey Wharton Esquire was seised for the Term of his 'Life, by virtue of a certain Grant from John then Lord 'Bishop of Durham, of the Office of Moorman otherwise 'Moormaster of all those Lead Mines, Lead, and Lead Ures, 'as well opened as not opened, gotten and to be gotten, within 'the Two Parishes of Stanhope and Wolsingham in the County 'Palatine of Durham, that did appertain to the said Lord 'Bishop under the antient Rent of the Lott Ure, which was 'the Ninth Part of all Lead Ure gotten in the said Mines, 'and that divers great Sums of Money for Six Years last past 'had already been expended by the said Humphrey Wharton 'in casting of Levels for avoiding of Water, and sinking of 'Shafts for winning of certain Lead Mines there, which in all 'Likelihood would be a growing Charge for those Twenty 'Years

'Years next ensuing, without which Charge the Money already 'expended would be to no Purpose, and the said Lead Mines 'would be left unwon; and to the End and Purpose that the 'Lead Trade, then a Staple Commodity in *England*, might 'be advanced by the Adventure of disbursing great Sums of 'Money, as also that the Episcopal Revenue of *Durham* might 'be thereby increased, it was enacted, that upon the Surrender 'of the Grant then in being to the Bishop for the Time being 'the said Lord Bishop of *Durham* and his Successors was and 'were thereby enabled to grant, under his or their County 'Palatine Seal of *Durham*, unto the said *Humphrey Wharton*, 'his Heirs and Assigns, or unto the Heirs and Assigns of the 'said *Humphrey Wharton*, the said Office of Moorman other-'wise Moormaster, and all and singular the Lead Mines, Lead, 'and Lead Ures, as well opened as not opened, gotten and to 'be gotten, within the said Two Parishes, that did appertain 'to the said Lord Bishop, which were granted by him to the 'said *Humphrey Wharton*, with all and every their Appurte-'nances, together with all manner of Fees, Profits, Commodities, 'Liberties, and Advantages in anywise to the said Office 'belonging or appertaining, or which had been accepted, re-'puted, or taken as Part, Member, or Parcel of the said Office, 'or by any Ways or Means incident thereto, in as large and 'ample a Manner and Form as any other Person or Persons 'exercising the said Office of Moorman otherwise called Moor-'master had theretofore occupied and enjoyed, or had or of 'Right might or ought to have enjoyed, had, or occupied the 'same, for and during the natural Lives of the said *Humphrey* '*Wharton*, and *Humphrey Wharton* the younger and *Robert* '*Wharton*, Two of the Sons of the said *Humphrey Wharton* 'the elder, and the longest Liver of them, and for and during 'the Life or Lives of such other Person or Persons, not ex-'ceeding the Number of Three Lives and the Life of the 'longest Liver of them, as the said *Humphrey Wharton* the 'elder, his Heirs or Assigns, should at the Time of such Grant 'make, nominate, and appoint, and that the said Grant so 'made might be good, effectual, and binding in Law to the 'Successors of the said Bishop, from Time to Time as they 'should happen to succeed in the said See, yielding and paying 'for the same unto the said *John* Lord Bishop of *Durham* and 'his Successors the Lott Ure or Ninth Part of all Lead Ore 'gotten in the said Mines from Time to Time as the same 'should accrue and be gotten, clean and well washed, and 'without Deduction of any Manner of Charges for the winning, 'getting, or washing of the same, or any other Charges what-'soever, at the Feasts of *Pentecost*, *Saint Peter ad Vincula* 'commonly called *Lammas Day*, *Saint Martin* the Bishop in 'Winter, and the Feast of the Purification of the Blessed 'Virgin *Mary* commonly called *Candlemas Day*, by equal 'Portions, and also yielding and paying during the said Term 'of Three Lives unto the said *John* Lord Bishop of *Durham*

'during

'during his Continuance in the said See of *Durham* yearly the 'Rent of One hundred and fifty Pounds, and yielding and 'paying during the said Term or the Residue thereof unto the 'Successors of the said present Lord Bishop the Sum of One 'hundred and fifty Pounds at the Feasts aforesaid, by even 'and equal Portions; and it was by the said Act further 'enacted, that the said *John* Lord Bishop of *Durham* and his 'Successors should and might from Time to Time thereafter 'for ever be enabled to grant the aforesaid Office and Lead 'Mines, with their Rights, Members, and Appurtenances, 'under his or their County Palatine Seal of *Durham*, to any 'Person or Persons, under the Rent of the Ninth Lot, and 'Rent in Money so reserved, payable as aforesaid, after the 'Determination, Surrender, or Expiration of the Grant there-'after to be made unto the said *Humphrey Wharton*, or unto 'his Heirs and Assigns, for Three Lives, in manner abovesaid, 'all which said Grants should be effectual and binding in Law 'to the Successors of the said Bishop from Time to Time as 'they should happen to succeed in the said See; and in the 'said Act is contained a Proviso that the said *Humphrey* '*Wharton* and his Successors the Moormasters should pay or 'cause to be paid unto *Isaac Basere* Doctor in Divinity, and 'then Rector of *Stanhope* in the County of *Durham*, and to 'his Successors the Rectors of *Stanhope* aforesaid, as also to 'the Rector of *Wolsingham* in the said County for the Time 'being, and his Successors, the full Tithe or Tenth Part of all 'Lead Oare or Ure digged, won, or gotten, or to be digged, 'won, or gotten, out of all or any of the Lead Mines within 'the said Parishes of *Stanhope* and *Wolsingham*, in clean, well 'washed, and dressed Oare, as soon as it was ready for the 'Smelting Mill, without any Abatement or Deduction of any 'Charges whatsoever for digging, working, or getting of the 'same Lead Oare, or for any other Cause whatsoever: And 'whereas after the passing of the said recited Act Leases were 'from Time to Time granted by the Lord Bishop of *Durham* 'for the Time being of the said Mines and Ures, and of the 'said Office of Moorman or Moormaster, pursuant to and in 'conformity with the Powers and Provisions of the said Act: 'And whereas by virtue of an Act of Parliament passed in the 'Session of the Third and Fourth Years of Her present 'Majesty's Reign, Chapter One hundred and thirteen, and of 'another Act passed in the Session of the Fourth and Fifth 'Years of Her said Majesty's Reign, Chapter Thirty-nine; 'and by virtue of an Order of Her said Majesty in Council, 'dated the Fourth Day of *April* One thousand eight hundred 'and fifty-six, and published in the *London Gazette* on the 'Twenty-second Day of *April* One thousand eight hundred and 'fifty-six, ratifying a Scheme of the Ecclesiastical Commis-'sioners for *England*, with the Consent of the Right Reverend '*Edward* then Bishop of *Durham*, testified by his Hand and 'Episcopal Seal being attached to the said Scheme, the Estate

3 & 4 Vict. c. 113.
4 & 5 Vict. c. 39.
Order in Council, 4th April 1856.

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'in Fee Simple of and in the said Office of Moorman otherwise Moormaster, and the said Lead Mines and Ures, has become and is now vested in the said Ecclesiastical Commissioners, to be held or disposed of in the Manner by the said last Two mentioned Acts or some other Act or Acts of Parliament relating to the said Commissioners concerning their Common Fund provided, but subject to and charged with the Payment to the Rector of *Stanhope* and the Rector of *Wolsingham* for the Time being respectively of the full Tithe or Tenth Part of all Lead Ore or Ure digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, as in the said first recited Act mentioned, and to the Payment of a perpetual yearly Sum of One hundred and forty Pounds charged and made payable to the Perpetual Curate for the Time being of *Lanchester* in the County and Diocese of *Durham*, by a certain Indenture or Deed of Augmentation dated the Thirteenth Day of *September* One thousand eight hundred and thirty-four, and made between the Right Reverend *William* then Bishop of *Durham* of the one Part, and the Reverend *Joseph Thompson* Clerk, the Perpetual Curate of *Lanchester*, of the other Part, and subject also to Two Leases granted of the said Office of Moorman or Moormaster, and several Portions of the said Lead Mines and Ures, by Two Indentures each bearing Date the Sixteenth Day of *July* One thousand eight hundred and forty-seven, and made between the Right Reverend *Edward* then Bishop of *Durham* of the one Part, and *John Stamforth Beckett* Esquire of the other Part, for the Lives of the Persons in each of the said Indentures mentioned, and the Lives and Life of the Survivors and Survivor of them, at and under the Rents, Covenants, Conditions, and Agreements therein respectively reserved and contained: And whereas, for the Purpose of carrying into effect the Provisions of the said recited Acts of the Third and Fourth and the Fourth and Fifth Years of Her Majesty's Reign, and for promoting the greater Efficiency of the Established Church, it is expedient that the full Tithe or Tenth of Lead Ore or Ure belonging to the respective Rectors of *Stanhope* and *Wolsingham* aforesaid, subject and without Prejudice to the Rights of the Reverend *William Nicholas Darnell*, the present Rector of *Stanhope*, and the Reverend *Charles Duberly*, the present Rector of *Wolsingham*, respectively, so long as they shall continue Rectors of the said Rectories, should be vested in the said Ecclesiastical Commissioners for *England*, to be held and disposed of as Part of their aforesaid Common Fund, and that other Provision should be made in lieu thereof for the Endowment of the said Rectories respectively, and of the Churches or Chapels within the said Parishes of *Stanhope* and *Wolsingham*, and otherwise for promoting the Efficiency of the Established Church in the County of *Durham* But inasmuch as such

Object

'Object cannot be carried into effect without the Authority of 'Parliament,' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Certain Parts of 19 Car. 2. c. 15. repealed.

I. The said recited Act of the Nineteenth Year of the Reign of King *Charles* the Second, Chapter Fifteen, so far as the same relates to the Payment or Render of the full Tithe or Tenth of Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, to the future Rectors of the said Parishes respectively, shall be and the same is hereby repealed.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners.

II. From and after the passing of this Act, the aforesaid full Tithe or Tenth of all the Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, subject and without Prejudice to the Rights of the said Reverend *William Nicholas Darnell* and *Charles Duberly*, the present Rectors of the said Parishes respectively, to the same Tithe or Tenth, so long as they shall continue Rectors as aforesaid, and as well during the Continuance of the said Leases respectively as at all Times for ever after the Determination thereof, shall be and the same is hereby vested in the said Ecclesiastical Commissioners, their Successors and Assigns, freed and discharged from all Rights, Claims, or Demands of or by the succeeding Rectors thereof respectively, and to be held, possessed, and administered by the said Ecclesiastical Commissioners for the Purposes and according to the Provisions contained in the said Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, or other Act or Acts of Parliament relating to Lands, Tenements, and Hereditaments vested in the said Ecclesiastical Commissioners under the same Acts or any of them, as Part of their Common Fund.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of Ecclesiastical Commissioners.

III. From and immediately after the next Vacancy of each of the said Rectories of *Stanhope* and *Wolsingham* respectively by the Death, Resignation, Cession, Deprivation, or other Avoidance of or by the present Rectors thereof, the Common Fund of the said Ecclesiastical Commissioners shall be and the same is hereby charged with the Payment in perpetuity of such annual Sums as, together with and including all the then existing Endowments of the said Rectories respectively (except Surplice Fees), will make up an annual Income of One thousand six hundred and fifty Pounds for the succeeding Rector of the Parish of *Stanhope* and his Successors, and an annual Income of One thousand Pounds for the succeeding Rector of *Wolsingham* and his Successors, each of the said annual Sums to be payable half-yearly on the First Day of *May* and the First Day of *November* in every Year, and the First Payment to be of a proportionate Part calculated from the Day of the First Vacancy

Vacancy of each Rectory respectively up to the First Day of *May* or the First Day of *November*, whichever shall then next follow, and on every succeeding Vacancy the then current half-yearly Payment shall be divisible between the last Incumbent, or his Representatives, and his Successor, according to the Provisions of the Act passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-two.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners.

IV. For the Purpose of permanently fixing the Amount of the said annual Sums, the annual Income arising from the then existing Endowments of each of the said Rectories respectively at the Time of the next Vacancy thereof (except Surplice Fees) shall be ascertained and determined by the said Ecclesiastical Commissioners, with the Concurrence of the Bishop of *Durham* for the Time being, and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Ecclesiastical Commissioners, and the Episcopal Seal of the said Bishop, shall be registered in the Registry of the said See, and the annual Sum to be paid out of the Common Fund for the Rector of each Rectory and his Successors shall thereupon be fixed and for ever thereafter remain and be of such Amount as will make up therewith the Amount of Income herein-before specified in respect of the same Rectory, irrespectively of any subsequent Variation in the Endowments thereof.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies.

V. Provided, That by the Authority mentioned in the said recited Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, that is to say, by a Scheme of the said Ecclesiastical Commissioners, and an Order of Her Majesty in Council ratifying the same, and with the Consent of each or either of the said present Rectors of *Stanhope* and *Wolsingham* respectively, at any Time before his Avoidance of such Rectory, an Arrangement may be made for immediately carrying into effect the Substitution herein-before contemplated of a fixed annual Sum to make up the Income of such Rector and his Successors to the Amount herein-before specified, and to be payable out of the Common Fund of the said Ecclesiastical Commissioners as aforesaid, in lieu of his Tithe or Tenth of Lead Ore or Ure, and for the immediate Transfer or Surrender, by force of such Scheme, and of an Order of Her Majesty in Council confirming the same, of the Tithe or Tenth of the Lead Ore or Ure of such Rector to the said Ecclesiastical Commissioners and their Successors; and in such Case the Amount of the fixed annual Sum to be paid to such Rector and his Successors shall thereupon be ascertained and fixed in like Manner as is herein-before directed in that Behalf, and shall be payable half-yearly on the Days aforesaid in each Year, the first Payment, being of a proportionate Part thereof, to be made on such One of the said Days as shall then next follow.

Common Fund to be charged with Payment

VI. As soon as the said Tithe or Tenth of Lead Ore or Ure at present belonging to the Rector of *Stanhope* aforesaid shall have

of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley.

have come into the Possession of the said Ecclesiastical Commissioners, either by the Avoidance of the said Rectory or by Arrangement with the present Rector thereof, under the Provisions herein-before contained, the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and for ever thereafter be and the same is hereby charged with the Payment of such fixed annual Sum as, with other then existing Endowments (if any), exclusive of Surplice Fees, will make up for the Incumbent or Minister of each of the Churches or Chapels of *Saint John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope,* and *Thornley* an annual Income of Four hundred Pounds; and the permanent Amount of every such yearly Sum shall be fixed and determined in like Manner, and the same shall be payable by half-yearly Payments, on the same Days, and with the like Rule of Apportionment in respect to the first half-yearly Payments, and to the current half-yearly Payment at the Time of every future Vacancy of each Incumbency, as are herein-before specified in respect of the annual Sums to be provided for the Rectors of *Stanhope* and *Wolsingham:* Provided nevertheless, that, with respect to each of the said Churches or Chapels to which a separate District, with exclusive Cure of Souls, shall not have then already been assigned, a District with Cure of Souls shall by the like Authority as is herein-before mentioned be assigned to the same; and the Patronage of all the said Churches or Chapels, with the Districts already assigned or to be assigned to the same, shall, subject and without Prejudice to the Rights of the said *William Nicholas Darnell* and *Charles Duberly,* the present Rectors of *Stanhope* and *Wolsingham* respectively, so long as they shall continue such Rectors, become and for ever thereafter be vested in the Lord Bishop of *Durham* and his Successors: Provided also, that as to each of the said Churches or Chapels to which a District with separate Cure of Souls shall not then already have been assigned as aforesaid, the annual Sum herein-before provided to be paid to the Incumbent or Minister thereof shall commence only from the Time of a District being assigned thereto pursuant to the Provisions in this Act.

Common Fund to be further charged with annual Sum for augmenting Incomes of Rectories, Curacies, &c. in the County of Durham.

VII. As soon as the Tithe or Tenth of Lead Ore or Ure in the said Parish of *Stanhope* shall have come into the Possession of the said Ecclesiastical Commissioners, the Common Fund of the said Commissioners shall be and is hereby charged with the Payment in perpetuity of such further or additional yearly Sum as, with the aggregate Amount of the several annual Sums to be fixed and determined as herein-before mentioned, and hereby charged on the said Common Fund, for the Endowment or Augmentation of the Rectories of *Stanhope* and *Wolsingham* aforesaid, and the said Churches or Chapels of *Saint John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope,* and *Thornley* respectively, will make up a gross annual Charge of Four thousand five hundred Pounds upon the said Common Fund; and such further and additional yearly Sum shall by the

the Authority in the herein-before secondly recited Act provided be appropriated toward permanently augmenting or endowing such Benefices with Cure of Souls within the County of *Durham*, and in the Patronage or alternate Patronage of the Bishop of *Durham* for the Time being, as shall be selected by the said Bishop, and approved by the said Commissioners.

Ecclesiastical Commissioners may substitute Lands, Tithe Rentcharge, or other Hereditaments for Payment out of Common Fund.

VIII. It shall be lawful for the said Ecclesiastical Commissioners, at any Time after the annual Sum herein-before provided to be paid to the Rectors of *Stanhope* and *Wolsingham*, and the Incumbents or Ministers of the said several Churches or Chapels respectively, shall have been fixed and become payable as aforesaid, by a Scheme prepared by the said Ecclesiastical Commissioners, with the Consent of the Bishop of *Durham* for the Time being, and the Rector, Incumbent, or Minister of each of the said Rectories, Churches, or Chapels for the Time being, and ratified by an Order of Her Majesty in Council to be published in the *London Gazette*, to appropriate and set apart, for the Use of such Rector, Incumbent, or Minister respectively, and his Successors, in lieu of the said annual Sum directed to be paid to him and them out of the Common Fund of the said Ecclesiastical Commissioners, such specific Lands, Tithe Rentcharge, or other Hereditaments as, according to the Certificate of Two competent Surveyors, one to be appointed by the said Ecclesiastical Commissioners and the other by such Rector or Incumbent for the Time being, or of an Umpire to be appointed by such Surveyors, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any), equal to the annual Sum herein-before provided for such Rector, Incumbent, or Minister, and his Successors; and from and after the Time which shall be fixed for that Purpose by the said Scheme, and after the same Scheme shall have come into operation, the Lands, Tithe Rentcharge, or other Hereditaments so appropriated for such Rector, Incumbent, or Minister, and his Successors, shall by force of this Act, and of such last-mentioned Scheme or Schemes so ratified as aforesaid, without any further Conveyance, be vested in such Rector, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Rectory, Church, or Chapel, and the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and at all Times for ever thereafter be and remain vested in the said Ecclesiastical Commissioners and their Successors, freed and discharged from all Claims and Demands by or on behalf of the Rector, Incumbent, or Minister of the same Rectory, Church, or Chapel, or his Successors.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced.

IX. Provided, That, notwithstanding the Payments by this Act charged upon the Common Fund of the said Ecclesiastical Commissioners, which said Payments are hereby declared to be wholly irrespective and independent of the Amount which may from Time to Time be realized by the said Commissioners, and their Successors or Assigns, from the said Tithe or Tenth Part of

of the Lead Ore or Ure to be digged, won, or gotten out of all or any of the said Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, as aforesaid, all the Rights, Powers, and Authorities vested in the said Commissioners in or over their Common Fund at the Time of the passing of this Act shall continue in full Force, and be henceforth enjoyed, exercised, and performed by them and their Successors in respect of such Common Fund, including the Tithe or Tenth Part of Lead Ore or Ure vested or which shall become vested in them under this Act.

Rights of Lessees and others not to be prejudiced.

X. Provided also, That nothing in this Act contained shall be deemed or operate to abridge or prejudice any Right, Claims, Privileges, or Immunities whatsoever in respect of the said Lead Ore or Ure to which the Perpetual Curate of *Lanchester* aforesaid for the Time being, or the Person or Persons claiming under the said Indentures of Lease or either of them, is, are, or would have been lawfully entitled if this Act had not been passed.

Short Title.

XI. For all Purposes of Recital or Reference, it shall be sufficient in all Cases to mention this Act as "The *Stanhope* and *Wolsingham* Rectories Act, 1858."

CAP. LIX.

An Act further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in *Ireland.* [23d *July* 1858.]

'WHEREAS it is expedient further to amend the Laws 'relating to the Erection and Endowment of Churches 'and Chapels and Perpetual Curacies in *Ireland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of 14 & 15 Vict. c. 72. to apply to new or additional Churchyards to existing Churches.

I. The Provisions of the Act passed in the Fourteenth and Fifteenth Years of the Queen, and Chapter Seventy-two, (herein-after called the original Act,) shall be amended by this amending Act in the following respects; that is to say, The Provisions of Sections Twenty-nine and Thirty of the original Act shall be extended so as to enable the Persons and Bodies Corporate therein mentioned to appropriate and set apart any Portion of Land, not exceeding One Plantation Acre, convenient for a new Churchyard or for an Addition to an old Churchyard, in the same Manner, and with the same Effect, and subject to the like Consents and Provisoes, as are prescribed by such Sections respectively, in case a new Parish Church, District Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel, had been or was about to be erected on the Land.

Apportionment of Rent in respect to

II. If any Hereditaments which have been or which may be acquired for the Purposes of the original Act or of this amending

ing Act are or shall be included in a Lease or Underlease with other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the Hereditaments so acquired or to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments acquired or to be acquired; and such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, and to assign or convey the Reversion expectant on such Leasehold Interest in the Hereditaments so to be acquired, or by them or their Successors in Estate in respect of Hereditaments already acquired.

Lands acquired when held with others under Lease.

III. From and after such Apportionment or Exoneration, the Rent or apportioned Rent by such Apportionment or Exoneration expressed to be made payable out of the Hereditaments which have not been or shall not be acquired, and out of the Hereditaments which have been or shall be so acquired respectively, shall thenceforth be recoverable as regards such Hereditaments respectively by the same Remedies by which before such Apportionment or Exoneration the Rent reserved by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised; and all the Covenants, Conditions, and Agreements in such Lease or Underlease contained, as well those relating to Rent as others, so far as regards the Part acquired and the Residue not acquired respectively of the Hereditaments comprised in the Lease or Underlease, shall continue and shall subsist upon and against and with regard to such Part so acquired and such Residue respectively in like Manner as if such Part or Residue only had been comprised in the Lease or Underlease; and in case the Lease or Underlease shall contain Provisions for Renewal upon Payment of a Fine certain, such Provisions for Renewal shall apply to the Part acquired and the Residue not acquired respectively of the Hereditaments comprised in the Lease or Underlease in the same Manner as if such Part or Residue only had been originally comprised in the Lease or Underlease, and the Fine certain to be paid on any Renewal had been the Fine certain which (if any) in the Exoneration or Apportionment shall be expressed to be payable in respect of the same Hereditaments.

Recovery of apportioned Rent and Enforcement of Covenants.

IV. The Two last-mentioned Provisions shall extend to Cases in which no Apportionment of or Exoneration from Rent may take place by reason that no Rent or a nominal Rent only is reserved by the Lease or Underlease.

Where Rent is nominal.

V. Section Two of the original Act shall be amended and explained in the following respect; that is to say, the Expression "One measured Mile" therein contained shall be understood to mean One Mile measured along the ordinary Road.

A measured Mile to mean a Mile measured along the Road.

VI. 'And whereas by the said Second Section of the original 'Act it is provided that it shall be lawful for any Person seised 'or possessed of a sufficient Estate for that Purpose to allot or 'set

For Removal of Doubts as to the Erection and

Endowment of Churches and Chapels.

'set apart in Fee Simple or Fee Farm any Land not exceeding One Acre Plantation Measure as a Site for a Church or Chapel as therein provided, and Doubts have arisen whether the said Provision extends to and includes the Case of Persons enabled by the Twenty-ninth Section of the said original Act to appropriate and set apart a Portion of Land not exceeding One Acre as and for a Site for a Church or Chapel as therein provided, and it is expedient to remove such Doubts:' Be it therefore declared and enacted, That any Person enabled by any Deed or Will, or by the Provisions of the Twenty-ninth Section of the original Act, to set apart One Acre Plantation Measure as and for a Site for a Church or Chapel, shall and may erect and endow a Church or Chapel thereon, or co-operate with any Person or Persons who shall erect or build and endow such Church or Chapel thereon, in like Manner and subject in all respects to the like Restrictions and Regulations as are contained in the said Section in case the Party allotting the Site had been seised of an Estate in Fee Simple or Fee Farm in the said Lands; and the Right of Patronage may be vested in Trustees in the like Manner and with the like Consequences in all respects as by the said Second and following Sections of the original Act is provided.

CAP. LX.

An Act to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857. [23d *July* 1858.]

20 & 21 Vict. c. 14.

'WHEREAS by the Nineteenth Section of "The Joint Stock Companies Act, 1857," it is amongst other things provided, that where a Company is in course of being wound up voluntarily, and Proceedings are taken for having the same wound up by the Court, the Court may, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, and others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just: And whereas it is expedient to make further Provision for enabling Companies to be wound up in manner directed by the said Nineteenth Section: And whereas it is expedient to explain and amend the Acts herein-after referred to as the Joint Stock Companies Acts, that is to say, "The Joint Stock Companies Act, 1856," "The Joint Stock Companies Act, 1857," and "The Joint Stock Banking Companies Act, 1857:"' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This

I. This Act may be cited for all Purposes as "The Joint "Stock Companies Amendment Act, 1858," and it shall be included in the Expression "Joint Stock Companies Acts," as herein-after used, unless there is something in the Context inconsistent with its being so included. Short Title.

II. A Petition praying wholly or in part that a voluntary Winding-up may continue, subject to the Supervision of the Court, shall, for the Purpose of giving Jurisdiction to the Court over Suits and Actions, and over the Appointment of a Receiver, be deemed to be a Petition for winding-up the Company by the Court; and in determining whether a Company is to be wound up altogether compulsorily or under the Provisions of the said Nineteenth Section, the Court may have regard to the Wishes of the Majority in Number and Value of the Creditors as proved to it by any sufficient Evidence. Petition for winding up, subject to Supervision.

III. Where any Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may in such Order or in any subsequent Order appoint any additional Liquidator or Liquidators; and any Liquidator or Liquidators so appointed by the Court shall have the same Powers, be subject to the same Obligations, and in all respects stand in the same Position as if they had been appointed by the Company: The Court may from Time to Time remove any Liquidator or Liquidators so appointed by the Court, and fill up any Vacancy occasioned by such Removal, or by the Death or Resignation of any such Liquidator or Liquidators: The Court shall in the Appointment of a Liquidator or Liquidators under this Section consult any Creditor or Classes of Creditors it may think expedient to consult for the Purpose of ascertaining what Appointments are most for the Interest of the Creditors. Power of Court in proceeding under Sect. 19. of 20 & 21 Vict. c. 14. to appoint additional Liquidators.

IV. Where an Order is made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators appointed to conduct such Winding-up may, subject to any Order made by the Court, exercise all Powers given to them, without the Intervention of the Court, in the same Manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any Order made by the Court, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, shall for all Purposes, including the Application of any Provision relating to fraudulent Preference, be deemed to be an Order of the Court for winding up the Company by the Court, and shall confer full Authority on the Court to make Calls, or to enforce Calls made by the Liquidators, and to exercise all other Powers which it might have exercised of its own Motion, or on the Application of the official Liquidators, if an Order had been made for winding up the Company altogether by the Court. Effect of Order of Court under the said 19th Section.

V. Where an Order, Interlocutor, or Decree has been made in *Scotland* for winding up a Company compulsorily, or where an In compulsory Winding-up, or Continuance

of voluntary Winding-up, by Decree or Order, Contributories may be decreed to pay Calls.

an Order, Interlocutor, or Decree has been made in pursuance of the said Nineteenth Section for the Continuance of a voluntary Winding-up, it shall be competent to the Court in *Scotland* during Session, and to the Lord Ordinary on the Bills during Vacation, on Production by the Liquidators of a List certified by them of the Names of the Contributories liable in Payment of any Calls which they may wish to enforce, and of the Amount due by each Contributory respectively, and of the Date when the same became due, to pronounce forthwith a Decree against such Contributories for Payment of the Sums so certified to be due by each of them respectively, with Interest from the said Date till Payment at the Rate of Five Pounds *per Centum per Annum*, in the same Way and to the same Effect as if they had severally consented to Registration for Execution, on a Charge of Six Days, of a legal Obligation to pay such Calls and Interest; and such Decree may be extracted immediately, and no Suspension thereof shall be competent, except on Caution or Consignation, unless with special Leave of the Court or Lord Ordinary.

Actions and Suits to be stayed.

VI. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no Suit, Action, or other legal Proceeding shall be proceeded with or commenced against the Company or the Public Officer thereof, or any Member of the Company in respect of a Debt of the Company, except with the Leave of the Court, and subject to such Terms as the Court may impose.

Inspection of Books.

VII. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Court may make such Order as it thinks just as to the Inspection by the Creditors and Contributories of Books and Papers of the Company, and such Books and Papers may be inspected by Creditors or Contributories, in conformity with such Order of the Court, but not further or otherwise.

Appointment of voluntary Liquidators as official Liquidators.

VIII. Where an Order has been made in pursuance of the said Nineteenth Section for the Continuance of a voluntary Winding-up, and such Order is afterwards superseded by an Order directing the Company to be wound up compulsorily, the Court may in such last-mentioned Order, or in any subsequent Order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the Addition of any other Persons, to be official Liquidators.

Power of Court to give Discretion to official Liquidators.

IX. Where the Court makes an Order for winding up a Company compulsorily, it may, if it thinks fit, provide by that or any subsequent Order that the official Liquidators may exercise any specified Powers without the Intervention of the Court.

General Scheme of Liquidation

X. Where an Order has been made for winding up a Company compulsorily, or where an Order has been made, in pursuance of

of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, the Liquidators may, with the Sanction of the Court, and upon such Notice to Creditors as to the Court shall seem fit, at any Stage of the Winding-up, pay any Classes of Creditors in full, or make such other Arrangement with Creditors as the Court may sanction; and any general or partial Scheme of Liquidation, if approved of by the Court, shall be binding on all the Creditors and Contributories of the Company.

may be sanctioned by Court.

XI. The Practice hitherto in use in the Court of Chancery in *England* in winding up Companies, under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849," including the Service of Summonses, Notices, and other Documents by Post, and including the Payment of a Per-centage in lieu of Fees to the Suitors Fee Fund, the Non-entry of Orders at the Registry Office, and all Powers and Jurisdictions given to the said Court of Chancery by the said Acts, and not conferred by the Joint Stock Companies Acts, shall be applicable to the winding up under the said Joint Stock Companies Acts of Companies by the Court of Chancery and Courts of Bankruptcy in *England*, until Rules for regulating such Winding-up are made in pursuance of the Powers for that Purpose given by the said Joint Stock Companies Acts; and the Courts of Chancery and Courts of Bankruptcy in *England* may adopt such Practice, Powers, and Jurisdictions to the same Extent as if the Companies were being wound up under "The Joint Stock Companies Winding-up Act, 1848," and "The Joint Stock Companies Winding-up Act, 1849;" and in the Case of Companies engaged in working any Mines within and subject to the Jurisdiction of the Stannaries, and registered under the Joint Stock Companies Acts, 1856, 1857, the like Practice, Powers, and Jurisdiction may, by Rules to be made under the Ninety-eighth Section of "The Joint Stock Companies Act, 1856," be adopted and exercised by the Court of the Vice-Warden of the Stannaries, so far as such Practice, Powers, and Jurisdiction are or can be made applicable to that Court.

Reservation of Practice under old Winding-up Acts.

XII. Any Order made by the Court in *England* for or in the Course of the Winding-up of a Company under the Joint Stock Companies Acts shall be enforced in *Scotland* and *Ireland* in the Courts that would respectively have had Jurisdiction in respect of such Company if the registered Office of the Company had been established in *Scotland* or *Ireland*, and in the same Manner in all respects as if such Order had been made by the Courts that are hereby required to enforce the same; and in like Manner Orders, Interlocutors, and Decrees made by the Court in *Scotland* for or in the Course of the Winding-up of a Company shall be enforced in *England* and *Ireland*, and Orders made by the Court in *Ireland* for or in the Course of winding up a Company shall be enforced in *England* and *Scotland*, by the Courts which would respectively have had Jurisdiction in the Matter of such Company if the registered Office of the

Order made in England to be enforced in Ireland and Scotland.

Company were established in the Division of the United Kingdom where the Order is required to be enforced, and in the same Manner in all respects as if such Order had been made by the Court required to enforce the same in the Case of a Company within its own Jurisdiction.

Mode of dealing with Orders to be enforced by other Courts.

XIII. Where any Order, Interlocutor, or Decree made by one Court is required to be enforced by another Court, as herein-before provided, an Office Copy of the Order, Interlocutor, or Decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the Production of such Office Copy shall be sufficient Evidence of such Order, Interlocutor, or Decree having been made, and thereupon such last-mentioned Court shall cause such Order, Interlocutor, or Decree to be registered, or shall take such other Steps in the Matter as may be requisite for enforcing such Order, Interlocutor, or Decree, in the same Manner as if it were the Order, Interlocutor, or Decree of the Court enforcing the same.

Power for Liquidators in voluntary Winding-up to apply to Court for Aid.

XIV. Where a Company is being wound up altogether voluntarily, the Liquidators may apply to the Court, or to the Lord Ordinary on the Bills in *Scotland* in Time of Vacation, by Petition, Motion, the Presentation of a Special Case, or in such other Manner as the Court may direct, to determine any Question arising in the Matter of such Winding-up, or to exercise, as respects the enforcing any Calls, or in respect of any other particular Matter, all or any of the Powers which the Court might exercise if the Company were being wound up compulsorily; and the Court, or Lord Ordinary in the Case aforesaid, if satisfied that the Determination of such Question or the required Exercise of Power will be just and beneficial, may accede, wholly or partially, to such Application, upon such Terms and subject to such Conditions as the Court thinks fit, or it may make such other Order, Interlocutor, or Decree on such Application as the Court thinks just.

Power of Company to fill up Vacancies in Liquidators.

XV. Where any Company is being wound up altogether voluntarily, or is being wound up subject to the Provisions of the said Nineteenth Section, the Company in General Meeting may fill up any Vacancy occasioned by the Death or Resignation of any Liquidator or Liquidators appointed by the Company.

Power for Liquidators to invest.

XVI. In case of any Company being wound up compulsorily, the Liquidators may invest any Moneys for the Time being in their Hands, or standing to their Credit in the Bank of *England*, arising from such Winding-up, in Government Securities, including Exchequer Bills.

Manner of making a Call.

XVII. In fixing the Amount payable by any Contributory, in pursuance of the Joint Stock Companies Acts or any of them, he shall be debited with the Amount of all Debts due from him to the Company, including the Amount of the Call, and shall be credited with all Sums due to him from the Company on any independent Contract or Dealing between him and the Company, and the Balance, after making such Debit and Credit as aforesaid, shall be deemed to be the Sum due.

XVIII. All

XVIII. All Calls made or to be made on any Shareholder or Contributory, in pursuance of any of the Joint Stock Companies Acts, shall, in the event of such Shareholder or Contributory becoming bankrupt or insolvent, be proveable against his Estate.

Calls proveable against Bankrupts or Insolvents Estates.

XIX. The Sixteenth Section of "The Joint Stock Companies Act, 1857," shall be repealed; and in lieu thereof be it enacted as follows: The Liquidators shall have Power to compromise all Calls and Liabilities to Calls, Debts, and Liabilities capable of resulting in Debts, and all Claims, whether present or future, certain or contingent, ascertained, or sounding only in Damages, subsisting or supposed to subsist between the Company and any Contributory or alleged Contributory, or other Debtor or Person apprehending Liability to the Company, upon the Receipt of such Sums, payable at such Times, and generally upon such Terms as may be agreed upon, with Power for the Liquidators to take any Security for the Discharge of such Debts or Liabilities, and to give complete Discharges in respect of all or any such Calls, Debts, or Liabilities; subject to the Proviso, that where an Order has been made by the Court for winding up a Company compulsorily, or where an Order has been made, in pursuance of the said Nineteenth Section, for the Continuance of a voluntary Winding-up, no such Compromise shall be made, except in accordance with the Directions of the Court, as expressed generally in any Order made by the Court, or as given in each particular Case, and after giving such Notice to Creditors, or any Portion of them, as the Court shall direct; and that where a Company is being wound up altogether voluntarily no such Compromise shall be effected, except with the Sanction of a special Resolution of the Company, or of a general or particular Power delegated to the Liquidators by a special Resolution.

Section 16. of 20 & 21 Vict. c. 14. repealed, and this Section to be substituted.

XX. Where any Order is made for winding up a Company compulsorily, or for the Continuance of a voluntary Winding-up, subject to the Provisions of the said Nineteenth Section, if it appear in the Course of such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, the Court may, on the Application of any Person interested in such Winding-up, or of its own Motion, direct the official Liquidators, or the Liquidators, (as the Case may be,) to institute and conduct a Prosecution or Prosecutions for such Offence, and to order the Costs and Expenses to be paid out of the Assets of the Company.

Prosecution of delinquent Directors in the Case of voluntary Winding-up.

XXI. Where a Company is being wound up altogether voluntarily, if it appear to the Liquidators conducting such Winding-up that any past or existing Director, Manager, Public Officer, or Member of such Company has been guilty of any Offence in relation to the Company for which he is criminally responsible, it shall be lawful for the Liquidators, with

Prosecution of delinquent Directors, &c. in case of compulsory Winding-up.

with the previous Sanction of the Court, to prosecute such Offender, and all Expenses properly incurred by them in such Prosecution shall be payable out of the Assets of the Company in Priority to all other Liabilities.

Application of Act to existing Winding-up.

XXII. This Act shall apply in Cases where an Order has been already made for winding up a Company compulsorily, or where an Order has been made, in pursuance of the Nineteenth Section, for the Continuance of a voluntary Winding-up, or where a Company is in the Course of being wound up altogether voluntarily.

Companies may register for Purposes of winding up.

XXIII. Any Company or Copartnership, consisting of Seven or more Persons, having by its Constitution a Capital of fixed Amount, divided into Shares, also of fixed Amount, if it legally carried on the Business of Banking previously to "The Banking Companies Act, 1857," is entitled to register itself or to continue registered under "The Joint Stock Banking Companies Act, 1857," for the Purpose of winding up under that Act, and if it legally carried on any other Business than Banking, except that of Insurance, previously to the passing of "The Joint Stock Companies Act, 1856," is entitled to register itself or to continue registered under "The Joint Stock Companies Act, 1856," or the Joint Stock Companies Acts, 1856, 1857, for the Purpose of winding up under those Acts.

Application of Act to other Acts.

XXIV. This Act shall extend to the Provisions of the Joint Stock Companies Acts, 1856, 1857, incorporated with "The Joint Stock Banking Companies Act, 1857."

CAP. LXI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of *England* and *Wales*.

[2d *August* 1858.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their 'Thirteenth Annual General Report: And whereas the said 'Commissioners have by a Special Report certified their Opinion 'that such proposed Inclosures would be expedient; but the 'same cannot be proceeded with without the previous Authority 'of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

II. In

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1858," or "The Acts for the Inclosure, Exchange, and Improvement of Land." Short Title.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ousby - - -	Cumberland -	11th February 1858.
Harwood Dale - -	York - -	18th March 1858.
Radnage - - -	Bucks -	4th February 1858.
Heckfield - -	Southampton	15th April 1858.
Cornbrough - -	York - -	22d April 1858.
Wisboro' Green - -	Sussex -	23d July 1857.
Whichwood Astall and Leafield (Minster Lovell).	Oxford -	22d April 1858.
Bingley - - -	York - -	28th January 1858.
Shepperton - -	Middlesex and Surrey.	21st January 1858.
Lamplugh - - -	Cumberland -	22d April 1858.
Shudy Camps, Castle Camps, and Bartlow.	Cambridge and Essex.	13th May 1858.
Draughton Moor - -	York - -	3d June 1858.
Woolmer Forest - -	Southampton	3d June 1858.
Larkton Hill - -	Chester -	20th May 1858.
Rhosygarth - -	Cardigan -	25th March 1858.
Moorsom - - -	York - -	3d July 1858.

CAP. LXII.

An Act to continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals. [2d *August* 1858.]

'WHEREAS an Act was passed in the Twelfth Year of 'the Reign of Her Majesty, Chapter One hundred and 'seven, for preventing until the First Day of *September* One 'thousand eight hundred and fifty, and to the End of the then 'Session of Parliament, the spreading of contagious or infectious 'Diseases among Sheep, Cattle, and other Animals: And 'whereas the said Act was by sundry Acts continued until the 'First Day of *September* One thousand eight hundred and fifty-'three, and until the End of the then Session of Parliament: 'And whereas by an Act passed in the Session of Parliament 'held in the Sixteenth and Seventeenth Years of the Reign 'of Her Majesty, Chapter Sixty-two, the said first-recited Act 'was extended and further continued: And whereas by an 'Act passed in the Nineteenth and Twentieth Years of the 'Reign of Her Majesty, Chapter One hundred and one, the 'said first-recited Act was further continued and will remain in 'force

11 & 12 Vict. c. 107.

16 & 17 Vict. c. 62.

19 & 20 Vict. c. 101.

'force until the End of the present Session of Parliament: 'And whereas it is expedient that the said first-recited Act, 'as the same is extended by the said second-recited Act, should 'be further continued:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts further continued.

I. The said recited Act passed in the Twelfth Year of the Reign of Her Majesty, as the same is extended by the said recited Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, shall continue and be in force until the First Day of *August* One thousand eight hundred and sixty-three, and to the End of the then next Session of Parliament.

CAP. LXIII.

An Act to continue certain Turnpike Acts in *Great Britain.* [2d *August* 1858.]

'WHEREAS it is expedient to continue for limited Times 'the Acts herein-after specified:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Turnpike Acts expiring before the End of the next Session continued to 1st Oct. 1859, except 54 G. 3. c. liv. and Part of 7 & 8 G. 4. c. lvii.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and fifty-nine, and to the End of the then next Session of Parliament, except an Act of the Fifty-fourth of King *George* the Third, Chapter Fifty-four, "for making and "maintaining a Road from *Balderston* to *Burscough Bridge* in "*Walton-in-le-Dale* in the County Palatine of *Lancaster*," and an Act of the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-seven, "for more effectually amending "and improving the Road from *Bawtry Bridge* in the County "of *Nottingham* to *Hainton* in the County of *Lincoln*, and other "Roads therein mentioned," so far as the same relates to the First District or Division of Roads therein described, and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1859.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and fifty-nine, and no longer, unless Parliament shall in the meantime continue the same respectively.

Short Title.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1858."

SCHE-

SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty for repairing the Road from the Neat Enstone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the-Green in the County of Oxford, and for making a new Branch of Road to communicate therewith. 53 G. 3 c. cxxxiii.

An Act to continue the Term and alter and amend the Powers of Three Acts of His present Majesty for repairing the Road from Lawton in the County of Chester to Burslem and Newcastle-under-Lyme in the County of Stafford, and other Roads therein mentioned; and also to make a new Road from Burslem aforesaid to Cobridge, and a Branch therefrom to Burslem Church. 55 G. 3 c. xix.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford. 55 G. 3. c. xxxviii.

An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford. 59 G 3. c. xxv.

An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign for amending the Road leading out of the Highway from Wigan to Golborn and Warrington into the Road from Wigan to Ashton in Ashton-in-Mackerfield in the County Palatine of Lancaster. 1 G. 4 c. xiv.

An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow, and elsewhere, in the County of Salop. 1 G. 4 c. xxxiii.

An Act for continuing the Term and altering and enlarging the Powers granted by Two Acts of His late Majesty for repairing and widening the Road from Skipton to the Turnpike Road leading from Leeds to Ripon, near Ockbeck, in the Township of Bilton-with-Harrogate, and from thence to communicate with the Road leading from Knaresborough to Wetherby in the West Riding of the County of York. 1 & 2 G. 4. c. xvi.

An Act for more effectually repairing and improving the Roads leading from Bishop's Castle and from Montgomery to the Road at Westbury, and from Brockton to the Road at Minsterley, and other Roads therein mentioned, in the Counties of Salop, Radnor, and Montgomery, and for amending, widening, and improving several other Roads therein mentioned in the said County of Salop. 3 G. 4. c. xlix

An Act for more effectually repairing the Road leading from the Cross-of-Hand, near Finford Bridge, in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford. 3 G. 4. c. xcv.

An Act for amending and repairing the Roads from Minehead in the County of Somerset to Batham Bridge, in the Town of Bampton, 3 G. 4. c. xcix.

Bampton, in the County of Devon, and for making a new Branch of Road to communicate therewith.

5 G. 4. c. xxxiii. An Act for widening, improving, and maintaining the Turnpike Road leading from the City of Worcester, through Droitwich, to Spadesbourne Bridge, within the Parish of Bromsgrove in the County of Worcester, and other Roads therein mentioned.

6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4. c. cxlix. An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York.

9 G. 4. c. cl. An Act for repairing the Road from the City of York to the Top of Oswaldkirk Bank in the County of York.

9 G. 4. c. v. An Act for repairing the Road from Hinckley to Melbourne Common, and other Roads communicating therewith, in the Counties of Leicester and Derby.

9 G. 4. c. lxvii. An Act for making a Turnpike Road from the Township of Hunslet across the River Aire to the Township of Leeds, together with a Branch therefrom, all in the West Riding of the County of York.

9 G. 4. c. lxx. An Act for repairing the Roads from Horsham to Steyning, and from thence to the Top of Steyning Hill, in the County of Sussex, and from the Bottom of Steyning Hill to Slaughter's Corner in the Parish of Beeding, and from thence to Shoreham Bridge in the Parish of Old Shoreham in the said County.

9 G. 4. c. lxxvii. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from Chester to Wrexham in the City and County of Chester, and the Counties of Flint and Denbigh.

9 G. 4. c. lxxxiv. An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads in the Counties of Somerset and Devon, and for making and repairing several other Roads communicating with the same Districts of Road, or some of them.

CAP. LXIV.

An Act to make further Provision for the Practice of Vaccination in *Ireland.* [2d *August* 1858.]

'WHEREAS by an Act passed in the Fourteenth and 'Fifteenth Years of the Reign of Her Majesty, intituled

14 & 15 Vict. c. 68. '*An Act to provide for the better Distribution, Support, and* '*Management of Medical Charities in* Ireland, *and to amend an* '*Act of the Eleventh Year of Her Majesty, to provide for the* '*Execution of the Laws for the Relief of the Poor* in Ireland, it 'is provided that the Medical Officer of every District con-

'stituted

'stituted under the said Act shall and he is thereby required 'to vaccinate all Persons who may come to him for that 'Purpose, subject to such Regulations as may be issued by the 'Poor Law Commissioners in that Behalf: And whereas it is 'expedient to make further Provision for Vaccination in the 'Dispensary Districts in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

SECRETARIAT LIBRARY.

Dispensary Committees may divide Dispensary Districts, and require Medical Officer to attend for Purposes of Vaccination.

I. As soon as may be after the passing of this Act, the Committee of Management of every Dispensary District in *Ireland* shall, subject to the Approbation of the Commissioners, divide such Dispensary District into so many Vaccination Districts as they may deem advisable and necessary, and shall report such Districts to the Commissioners for their Approval, and shall require the Medical Officer of such District to attend at some convenient Place within each such Vaccination District, to be approved of by the said Committee, at such Times as the said Committee may fix or approve; and the said Medical Officer shall and he is hereby required to vaccinate all Persons resident in his District who may come to him for that Purpose, or whom he may be requested to vaccinate, being fit Subjects for Vaccination, subject to such Regulations as may be issued by the Commissioners in that Behalf.

Medical Officers to be paid for successful Cases of Vaccination.

II. The Board of Guardians shall pay to each such Medical Officer, in addition to any Salary or Allowance payable to him, the Sum of One Pound for every Twenty Cases of successful Vaccination performed by him in each Year.

Medical Officers to report Number of Persons successfully vaccinated.

III. The Medical Officer of each such District shall make a Report to the Committee of Management, from Time to Time, of the Number of Persons successfully vaccinated by him in each Year, under the Provisions of this Act, and such Report shall be made in such Form and shall contain such further Particulars as the Commissioners shall direct, and shall be transmitted by the Committee to the Board of Guardians, and recorded by the Guardians on their Minutes.

Expenses to be charged to Electoral Divisions.

IV. The Payments to be made to the Medical Officer under the Provisions of this Act, and all other Expenses incidental to the Performance of Vaccination under this Act in any Dispensary District, shall be charged to the Electoral Divisions comprising such Dispensary District, in the same Manner as all Charges incidental to Medical Relief in the District.

Where Proceedings are taken by Guardians against Persons inoculating, &c., their Costs to be paid out of the Rates.

V. 'And whereas by an Act passed in the Third and Fourth 'Years of the Reign of Her Majesty, Chapter Twenty-nine, it 'is enacted that any Person who shall produce or attempt to 'produce in any Person by Inoculation with Variolous Matter, 'or by wilful Exposure to Variolous Matter, or to any Matter, 'Article, or Thing impregnated with Variolous Matter, or wil-'fully by any other Means whatsoever produce the Disease of 'Small Pox in any Person, shall be liable to be proceeded

'against

'against and convicted summarily before any Two or more 'Justices of the Peace in Petty Sessions:' Be it enacted, That in any Case in which any Proceedings shall have been taken or instituted by or under the Directions of the Board of Guardians of any Union in *Ireland* under the said recited Provision, it shall be lawful for the Board of Guardians to pay the Costs of such Proceedings out of the Rates of the Union at large.

CAP. LXV.

An Act to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in *Scotland*. [2d *August* 1858.]

20 & 21 Vict. c 72.

'WHEREAS by the Eighth Section of an Act passed in 'the last Session of Parliament, intituled *An Act to render* 'more effectual the Police in Counties and Burghs in Scotland, 'it is enacted, that it shall be lawful for the Sheriff of any 'County within whose Jurisdiction the Works of any Rail-'way, Canal, or other public Work of a similar Nature shall 'be in Progress of Construction, upon the Application of the 'Company or other Parties carrying on any such public 'Work, or for any Two Justices of the Peace of such County 'usually acting in the District in or through which any such 'public Work may be in the Course of Construction, on similar 'Application, to give Directions for the Purpose of keeping 'the Peace: And whereas it is expedient that Justices of the 'Peace should be authorized to make such Application to the 'Sheriffs of Counties, and that the Power of giving Direc-'tions should be confined to such Sheriffs:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 8. of recited Act repealed.

I. The Eighth Section of the said recited Act is hereby repealed.

Power to appoint additional Constables to keep the Peace on public Works.

II. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other public Work of a similar Nature shall be in Progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or of any Two Justices of the Peace of such County usually acting in the District in or through which any such public Work may be in the Course of Construction, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff may think fit for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such public Works and within a Mile therefrom, and such Constables so appointed shall be specially charged

charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the said recited Act; and such Sheriff shall decern the Company or other Parties carrying on such public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any public Work shall refuse or neglect, within Fourteen Days next after the Demand thereof, to pay any such Wages and Allowances or any Part thereof as shall by such Sheriff have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expense of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

III. The said recited Act and this Act shall be read and construed as One Act. Recited Act and this Act to be as One.

CAP. LXVI.

An Act to amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and to abolish Foot Passenger Tolls on *Chelsea Bridge* after Payment of the Sum of Eighty thousand Pounds and Interest. [2d *August* 1858.]

'WHEREAS by the Act of the Ninth and Tenth Years of Her Majesty, Chapter Thirty-nine, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered to construct (amongst other Works) a Bridge across the River *Thames*, from a Point near *Chelsea Hospital* to a Point near the *Red House*, with convenient Approaches thereto, together with convenient Piers, Stairs, Hards, and Landing Places, and to take Tolls for the Passage of any Foot Passengers, or any Horse, Mule, Ass, or other Beast, or any Coach, Waggon, Cart, or other Vehicle, over or on to the said Bridge, Piers, or Landing Places, or for any Vessel, Barge, or Boat mooring or touching at, or landing Passengers, Goods, or other Freight at, any such Pier or Landing Places; and it was by the said Act directed that all such Tolls as aforesaid, and all Rents for the same, and all Monies to be received by the said Commissioners in respect of Penalties, Fines, or Forfeitures under the said Act, should be applied (after defraying the Expenses of the Management and Collection of the Tolls and keeping and maintaining the Works in the said Act mentioned) in Payment of all Advances by the State in and towards the Works and Improvements by the said Act authorized, and, subject as aforesaid, that all the Surplus (if any) of the said Monies 9 & 10 Vict. c. 39.

'should

'should form a Fund for such Metropolitan Improvements as 'the Legislature should determine and should be applied 'accordingly: And whereas under and by virtue of the said 'Act and of the Act of the Ninth and Tenth Years of Her 'Majesty, Chapter Eighty-three, the Commissioners for car-'rying the first-mentioned Act into execution were empowered 'to borrow upon the Security herein-after mentioned, and have 'accordingly borrowed from the Commissioners for the Issue 'of Loans for Public Works and Fisheries, &c., divers Sums 'of Money for the Purpose of executing the Works by the 'said first-mentioned Act authorized, which Sums so borrowed 'amount in the whole to the Principal Sum of Eighty thousand 'Pounds, the Repayment whereof, with Interest at the Rate 'of Four *per Cent. per Annum*, is secured by Assignments by 'way of Mortgage of the Tolls herein-before mentioned, and 'of all other Monies to be received under the Authority of 'the said first-mentioned Act, and there was upon the Thirty-'first Day of *March* in the Year of our Lord One thousand 'eight hundred and fifty-eight due and owing upon such Secu-'rities the said Sum of Eighty thousand Pounds, and in respect 'of Interest the Sum of Eighteen thousand seven hundred and 'seventy-seven Pounds Ten Shillings and Sixpence, making 'together the Sum of Ninety-eight thousand seven hundred 'and seventy-seven Pounds Ten Shillings and Sixpence: And 'whereas the said Bridge was constructed and opened to the 'Public on the Twenty-ninth Day of *March* in the Year of 'our Lord One thousand eight hundred and fifty-eight: And 'whereas it is expedient that the said Act should be amended 'and in part repealed, as herein-after mentioned:' Be it there-fore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

9 & 10 Vict. c. 83.

So much of 9 & 10 Vict. c. 39. as directs that surplus Tolls, &c. shall form a Fund for Metropolitan Improvements, repealed.

I. So much of the Act of the Ninth and Tenth Years of Her Majesty, Chapter Thirty-nine, as directs that all the Surplus (if any) of the Monies arising from Tolls by the said Act authorized to be taken, Rents for the same, or Penalties, Fines, and Forfeitures under the said Act, shall form a Fund for such Metropolitan Improvements as the Legislature shall determine and shall be applied accordingly, is hereby repealed.

When 80,000*l.* and Interest shall have been paid off, no Toll to be taken for Foot Passengers passing over Chelsea Bridge.

II. From and after the Time when the said Sum of Eighty thousand Pounds, together with such Interest thereon, not exceeding the Rate of Four Pounds *per Centum per Annum*, as the Commissioners of Her Majesty's Treasury may from Time to Time direct, shall have been paid off, no Toll shall be demanded or taken for or in respect of Foot Passengers passing over or on to the said Bridge; nor at any Time previous to the said Sum of Eighty thousand Pounds being paid off as aforesaid shall any Toll be demanded or taken for or in respect of Foot Passengers passing over or on to the said Bridge on *Sundays*, *Easter Mondays*, *Whit Mondays*, and *Christmas* Days.

CAP. LXVII.

An Act to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.

[2d *August* 1858.]

'WHEREAS certain of the Returns now required to be 'made to One of Her Majesty's Principal Secretaries of 'State, which entail Charges on local Funds, have become 'unnecessary:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act the following Enactments requiring Returns to be made or transmitted to One of Her Majesty's Principal Secretaries of State shall be repealed; (that is to say,)

1. Section Twenty-four of an Act of the Fourth Year of King *George* the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in *England* and *Wales*, and Section Ten of an Act of the Second and Third Years of Her Majesty, Chapter Fifty-six, for the better ordering of Prisons: — 4 G. 4. c. 64. s. 24. and 2 & 3 Vict. c. 56. s. 10. Prisons Report.
2. So much of Section Eighty-six of an Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, as enacts that the Watch Committee of every Borough shall transmit quarterly to One of Her Majesty's Principal Secretaries of State a Report of the Number of Men appointed to act as Constables or Policemen in such Borough, and of the Description of Arms, Accoutrements, and Clothing and other Necessaries furnished to each Man, and of the Salaries, Wages, and Allowances payable to such Constables or Policemen, and of the Number and Situation of all Stationhouses in such Borough: — 5 & 6 W. 4. c. 76. Borough Police Returns.
3. So much of Section Fifteen of an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, as requires an Abstract to be furnished to One of Her Majesty's Principal Secretaries of State, of all Reports furnished for the Use of the Quarterly Meetings of Magistrates therein mentioned: — 2 & 3 Vict. c. 71. s. 15. Police Courts Returns.
4. Section Eleven of an Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter One hundred and one: — 7 & 8 Vict. c. 101. Bastardy Returns.
5. So much of Section Eleven of an Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Eighty-two, as enacts that the Clerks of the Peace of every County, Borough, Liberty, or Place shall transmit to One of Her Majesty's Principal Secretaries — 10 & 11 Vict. c. 82. Juvenile Offenders Returns.

taries of State a Monthly Return of the Names, Offences, and Punishments of all Persons convicted under the Provisions of that Act, with such other Particulars as may from Time to Time be required.

CAP. LXVIII.

An Act to amend the Law concerning detached Parts of Counties. [2d *August* 1858.]

2 & 3 Vict. c. 93.

'WHEREAS by an Act passed in the Session holden in 'the Second and Third Years of Her Majesty, Chapter 'Ninety-three, "for the Establishment of County and Dis- '"trict Constables by the Authority of Justices of the Peace," 'it was enacted that for the Purposes of that Act all detached 'Parts of Counties should be considered as forming Part of 'that County by which they were surrounded, or if partly 'surrounded by Two or more Counties, then as forming Part 'of that County with which they had the longest common 'Boundary, and so much of every such detached Part of any 'County which was not of itself an entire Hundred, Wapen- 'take, Ward, Rape, Lathe, or such other Division of a County 'should be considered as forming Part of that Hundred, Ward, 'Wapentake, Rape, Lathe, or such other Division whereby it 'should be surrounded, in the County of which it should be 'considered a Part, for the Purposes of that Act, or if partly 'surrounded by Two or more Hundreds, Wapentakes, Wards, 'Rapes, Lathes, or such other Divisions, then as forming Part 'of that One with which it should have the longest common 'Boundary: And whereas by an Act passed in the Session

3 & 4 Vict. c. 88.

'holden in the Third and Fourth Years of Her Majesty, 'Chapter Eighty-eight, to amend the firstly herein recited Act, 'it was enacted, that it should be lawful for the Justices of 'any Two or more neighbouring Counties, in their several 'General or Quarter Sessions assembled, from Time to Time 'to agree that such Parts of their several Counties as to them 'should seem fit should for the Purposes of the firstly herein 'recited Act be considered as forming Part of any other of 'the said Counties; and whenever any such District should 'be so transferred for the Purposes of the said Act from one 'County to another, with the Consent of the Justices of both 'the last-mentioned Counties, such District should be con- 'sidered for the Purposes of the said Act as if it were de- 'tached from the County to which it belonged, and wholly 'surrounded by the County to which it was so transferred: 'And whereas by an Act passed in the Session holden in

7 & 8 Vict. c. 61.

'the Seventh and Eighth Years of Her Majesty, Chapter 'Sixty-one, it was enacted, that every Part of any County 'in *England* or *Wales* which was detached from the main 'Body of such County should be considered for all Purposes 'as forming Part of that County of which it was considered a 'Part for the Purposes of the Election of Members to serve in

'in Parliament as Knights of the Shire, under the Provisions 'of an Act passed in the Third Year of the Reign of His late 'Majesty, intituled *An Act to settle and to describe the Divisions 'of Counties, and the Limits of Cities and Boroughs, in* England '*and* Wales, *in so far as respects the Election of Members to 'serve in Parliament:* And whereas several Parts of Counties 'which before the passing of the said Act of the Seventh and 'Eighth Years of Her Majesty were detached from the main 'Bodies of such Counties are also detached from the main 'Bodies of the Counties of which under that Act they respec-'tively form Parts, or may be conveniently united with other 'Counties: And whereas it is expedient to make such Pro-'vision as herein-after mentioned in relation to detached 'Parts of Counties:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 W. 4. c. 64.

Detached Parts of Counties may be transferred for the Purposes of the Constabulary.

I. It shall be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, notwithstanding the said Act of the Seventh and Eighth Years of Her Majesty, from Time to Time to agree that any detached Part of any County shall for the Purposes of the Acts relating to County and District Constables be considered as forming Part of the County by which the same is surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which such Part has the longest common Boundary; and whenever any Part of any County is so transferred, such Part shall be subject to the Provisions of the said Acts of the Second and Third Years and of the Third and Fourth Years of Her Majesty concerning detached Parts of Counties, as the same would have been if the said Act of the Seventh and Eighth Years of Her Majesty had not been passed.

Recited Provision of 3 & 4 Vict. c. 88. to extend to Parts annexed under 7 & 8 Vict. c. 61.

II. The Provision herein-before recited of the said Act of the Third and Fourth Years of Her Majesty shall extend to any Part of a County which did not form Part of such County before the passing of the said Act of the Seventh and Eighth Years of Her Majesty, in like Manner as if the same had always formed Part of such County.

Power to contract for Care of Prisoners.

III. Where any Agreement is made as aforesaid in relation to any detached Part of a County, the Justices entering into such Agreement may, with the Approval of One of Her Majesty's Principal Secretaries of State, also agree for the Support and Maintenance in any Gaol or House of Correction belonging to the County to which such detached Part is assigned under such Agreement of any Prisoners committed thereto from such detached Part, and for the Payment, where the Occasion shall require, of all or any Part of the Expenses of Additions or Alterations of or to such Gaol or House of Correction which may be required by reason of the Commit-

ment of such Prisoners thereto; and every Prisoner committed from such detached Part, who would or might otherwise be confined in the Gaol or House of Correction of the County to which such detached Part belongs, may be lawfully committed or removed to and confined in the Gaol or House of Correction receiving him under such Agreement; and all Prisoners so confined in such Gaol or House of Correction, whether before or after Trial, shall be subject in all Matters and Things to the same Rules and Regulations as if they were committed to such Gaol or House of Correction by any of the Justices having Jurisdiction over the same, and if committed before Trial shall be triable and tried in the same Manner as if their Offences had been committed in the County to which such Gaol or House of Correction belongs; and the Monies to be paid under such Agreement for the Support and Maintenance of such Prisoners, and other such Expenses as aforesaid, shall be raised in the same Manner as Monies for defraying the Expenses of any Gaol or House of Correction of the County to which such detached Part belongs, to which such Prisoners would or might have been committed if such Agreement had not been made.

CAP. LXIX.

An Act to impose Fees on the branding of Barrels under the Acts concerning the Herring Fisheries in *Scotland.* [2d *August* 1858.]

48 G. 3. c. 110. 55 G. 3. c. 94. 1 & 2 G. 4. c. 79. 5 G. 4. c. 64. and 7 G. 4. c. 34. 11 G. 4. & 1 W. 4. c. 54. 14 & 15 Vict. c. 26.

'WHEREAS by an Act of the Forty-eighth Year of King 'George the Third, Chapter One hundred and ten, an Act 'of the Fifty-fifth Year of King *George* the Third, Chapter 'Ninety-four, and an Act of the Session holden in the First 'and Second Years of King *George* the Fourth, Chapter 'Seventy-nine, Provisions were made for branding or placing 'a Mark or Character on Barrels and Half Barrels containing 'Herrings properly cured as a Condition for obtaining Bounties 'payable under the said Acts: And whereas by Two Acts of 'the Fifth Year and Seventh Year of King *George* the Fourth 'the said Bounties were repealed: And whereas by an Act 'passed in the Session holden in the Eleventh Year of King 'George the Fourth and the First Year of King *William* the 'Fourth, Chapter Fifty-four, it was enacted and declared, that 'nothing in the said Acts of the Fifth and Seventh Years of 'King *George* the Fourth had repealed or rendered ineffectual 'so much of the said Acts of the Forty-eighth and Fifty-fifth 'Years of King *George* the Third, and the First and Second 'Years of King *George* the Fourth, as related to the placing a 'Mark or Character on Barrels or Half Barrels containing 'Herrings properly cured: And whereas an Act was passed 'in the Fourteenth and Fifteenth Years of Her Majesty's 'Reign to amend the said Acts: And whereas the Expenses 'of the Establishment maintained for branding or placing 'such Marks and Characters as aforesaid, and the Matters 'connected

'connected therewith, have been defrayed out of Monies 'granted by Parliament, and it is expedient that moderate 'Fees should be payable in respect of such branding or mark-'ing, for the Purpose of defraying the Expenses of such 'Establishment for the future:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-eight there shall be payable for and in respect of every Barrel of Herrings branded or marked under the said Acts, or any of them, a Fee of Fourpence, and for every Half Barrel so branded or marked the Fee of Twopence, on or before the branding or marking of the same respectively, by the Persons producing, in Terms of the said recited Acts, such Barrels and Half Barrels respectively to be branded or marked; and all such Fees shall be paid to the Officers of the said Establishment, and the Monies so received shall be accounted for and paid over by such Officers, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.

After 31st Dec. 1858 a Fee of 4*d.* per Barrel and 2*d.* per Half Barrel to be payable on branding.

II. The Commissioners of Her Majesty's Treasury shall cause the Monies arising from the Fees taken under this Act to be paid into the Exchequer to the Credit of the Consolidated Fund of the United Kingdom.

Monies received to be paid into the Consolidated Fund.

CAP. LXX.

An Act to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

[2d *August* 1858.]

'WHEREAS by an Act passed in the Fifth and Sixth 'Years of the Reign of Her present Majesty, intituled '*An Act to consolidate and amend the Laws relating to the* '*Copyright of Designs for ornamenting Articles of Manufacture,* 'herein-after called "The Copyright of Designs Act, 1842," 'there was granted to the Proprietor of any new and original 'Design in respect of the Application of any such Design 'to ornamenting any Article of Manufacture contained in the 'Tenth Class therein mentioned, with the Exceptions therein 'mentioned, the sole Right to apply the same to any Articles 'of Manufacture, or any such Substances as therein mentioned, 'for the Term of Nine Calendar Months, to be computed from 'the Time of such Design being registered according to the 'said Act: And whereas it is expedient that the Term of 'Copyright, in respect of the Application of Designs to the

5 & 6 Vict. c. 100.

'ornamenting of Articles of Manufacture comprised in the 'said Tenth Class, should be extended, and that some of the 'Provisions of the said Act should be altered, and that further 'Provision should be made for the Prevention of Piracy, and 'for the Protection of Copyright in Designs under the Acts 'in the Schedule hereto annexed, and herein-after called "The 'Copyright of Designs Acts:"' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The Copyright of Designs "Act, 1858."

Copyright of Designs Acts and this Act to be as One.

II. The said Copyright of Designs Acts and this Act shall be construed together as One Act.

Extension of Term of Copyright as to the Tenth Class mentioned in 5 & 6 Vict. c. 100.

III. In respect of the Application of any new and original Design for ornamenting any Article of Manufacture contained in the Tenth Class mentioned in "The Copyright of Designs "Act, 1842," the Term of Copyright shall be Three Years, to be computed from the Time of such Design being registered, in pursuance of the Provisions of "The Copyright "of Designs Acts" and of this Act: Provided nevertheless, that the Term of such Copyright shall expire on the Thirty-first of *December* in the Second Year after the Year in which such Design was registered, whatever may be the Day of such Registration.

Copyright not to be prejudiced if Articles marked.

IV. Nothing in the Fourth Section of "The Copyright of "Designs Act, 1842," shall extend or be construed to extend to deprive the Proprietor of any new and original Design applied to ornamenting any Article of Manufacture contained in the said Tenth Class of the Benefits of "The Copyright of Designs Acts," or of this Act: Provided there shall have been printed on such Articles at each End of the original Piece thereof the Name and Address of such Proprietor, and the Word "Registered," together with the Years for which such Design was registered.

Pattern may be registered.

V. And be it declared, That the Registration of any Pattern or Portion of an Article of Manufacture to which a Design is applied, instead or in lieu of a Copy, Drawing, Print, Specification, or Description in Writing, shall be as valid and effectual to all Intents and Purposes as if such Copy, Drawing, Print, Specification, or Description in Writing had been furnished to the Registrar under "The Copyright of Designs Acts."

Proprietor to give the Number and Date of Registration.

VI. The Proprietor of such extended Copyright shall, on Application by or on behalf of any Person producing or vending any Article of Manufacture so marked, give the Number and the Date of the Registration of any Article of Manufacture so marked; and any Proprietor so applied to who shall not give the

the Number and Date of such Registration shall be subject to a Penalty of Ten Pounds, to be recovered by the Applicant, with full Costs of Suit, in any Court of competent Jurisdiction.

Penalty on issuing Articles not so marked.

VII. Any Person who shall wilfully apply any Mark of Registration to any Article of Manufacture in respect whereof the Application of the Design thereto shall not have been registered, or after the Term of Copyright shall have expired, or who shall, during the Term of Copyright, without the Authority of the Proprietor of any registered Design, wilfully apply the Mark printed on the Piece of any Article of Manufacture, or who shall knowingly sell or issue any Article of Manufacture to which such Mark has been wilfully and without due Authority applied, shall be subject to a Penalty of Ten Pounds, to be recovered by the Proprietor of such Design, with full Costs of Suit, in any Court of competent Jurisdiction.

Proceedings for Prevention of Piracy may be instituted in the County Courts.

VIII. Notwithstanding anything in "The Copyright of Designs Acts," it shall be lawful for the Proprietor of Copyright in any Design under "The Copyright of Designs Acts," or this Act, to institute Proceedings in the County Court of the District within which the Piracy is alleged to have been committed, for the Recovery of Damages which he may have sustained by reason of such Piracy: Provided always, that in any such Proceedings the Plaintiff shall deliver with his Plaint a Statement of Particulars as to the Date and Title or other Description of the Registration whereof the Copyright is alleged to be pirated, and as to the alleged Piracy; and the Defendant, if he intends at the Trial to rely as a Defence on any Objection to such Copyright, or to the Title of the Proprietor therein, shall give Notice in the Manner provided in the Seventy-sixth Section of the Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, of his Intention to rely on such special Defence, and shall state in such Notice the Date of Publication and other Particulars of any Designs whereof prior Publication is alleged, or of any Objection to such Copyright, or to the Title of the Proprietor to such Copyright; and it shall be lawful for the Judge of the County Court, at the Instance of the Defendant or Plaintiff respectively, to require any Statement or Notice so delivered by the Plaintiff or of the Defendant respectively to be amended in such Manner as the said Judge may think fit.

The Proceedings of County Courts Acts applicable to Proceedings for Piracy of Designs.

IX. The Provisions of an Act of the Ninth and Tenth *Victoria*, Chapter Ninety-five, and of the Twelfth and Thirteenth *Victoria*, Chapter One hundred, as to Proceedings in any Plaint, and as to Appeal, and as to Writs of Prohibition, shall, so far as they are not inconsistent with or repugnant to the Provisions of this Act, be applicable to any Proceedings for Piracy of Copyright of Designs under the said Copyright of Designs Acts or this Act.

SCHEDULE referred to in the foregoing Act.

5 & 6 Vict. c. 100. [10 Aug. 1842.]	An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.
6 & 7 Vict. c. 65. [22 Aug. 1843.]	An Act to amend the Laws relating to the Copyright of Designs.
13 & 14 Vict. c. 104. [14 Aug. 1850.]	An Act to extend and amend the Acts relating to the Copyright of Designs.
14 Vict. c. 8. [11 April 1851.]	An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.

CAP. LXXI.

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts. [2d *August* 1858.]

'WHEREAS it frequently happens that the Bishop of a 'Diocese is a Trustee of Real or Personal Estate for 'charitable or other public Purposes or is invested with Powers 'in relation to Charities and public Trusts within his Diocese: 'And whereas, in consequence of the altered Limits of Dioceses 'in *England* it is expedient to make new Provisions for such 'Cases:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Charity Commissioners may make Order enabling Bishop of One Diocese to act for another, as to certain Trusts, &c.

I. In all Cases in which the Bishop of a Diocese is as such Bishop, alone or jointly with any other Person or Persons, Trustee of or invested with any Power of Nomination or Control or other Power in relation to any charitable Foundation or other Trust for public Purposes within, or in favour of the Clergy, Parishioners, or other Persons or Objects of or belonging to, any Place which at the Time when such Bishop or his Predecessor was first invested with such Trust or Power was within that Diocese, or concerning any Church or Chapel in any such Place, and by reason of an Alteration of the Limits of the Diocese such Place is transferred to and included in some other Diocese, it shall be lawful for the Charity Commissioners for *England* and *Wales*, if it appear to them that such Trust or Power was first so vested in the Bishop or his Predecessor by reason of the Place being then within his Diocese, and may be conveniently vested in the Bishop in whose

whose Diocese such Place is included, to make an Order under their Seal substituting from the Date thereof for the first-mentioned Bishop the Bishop of the Diocese in which such Place is included, and such Order shall operate to vest in such lastly-mentioned Bishop, either solely or jointly with any other Person or Persons, as the Case may require, all Estate, Property, Stock, Funds, Monies, Securities, Rights, Titles, Patronage, and Authority in relation to the Charity or Trust, as fully and effectually as if he had been originally appointed to have and exercise the same.

Order to be made on the Application of the Bishops or of One of them.

II. Provided, That every Order to be made under this Act shall be made upon the Application of the Bishops concerned in such Order, or One of them; and no such Order shall be made in relation to any Advowson or Right of Patronage or Presentation, Part of the Possessions of a See, which might be exchanged or otherwise disposed of by Scheme of the Ecclesiastical Commissioners confirmed by Her Majesty in Council; nor shall any such Order under this Act be made in relation to any Ecclesiastical Patronage or Power of Nomination or Appointment of any Curate, Chaplain, or Spiritual Person under any Trust without the Consent of the Ecclesiastical Commissioners under their Common Seal.

How Costs are to be defrayed.

III. Any Costs necessarily incident to effecting the aforesaid Transfers shall be defrayed by Order of the said Charity Commissioners out of the Property, Real or Personal, as the said Charity Commissioners may direct, which shall be transferred as aforesaid.

Nothing to affect Trusts, &c. within the Universities, and Colleges of Eton, Winchester, and Westminster.

IV. Provided always, That nothing herein contained shall be construed to extend to or in any way affect Trusts of a visitorial or any other Nature or Character exercised in or over any College, Hall, or School within the Precincts or under the Jurisdiction or Government of either of the Universities of *Oxford* or *Cambridge*, or in or over the Colleges or Schools of *Saint Mary* at *Eton*, *Saint Mary* at *Winchester*, and *Saint Peter* at *Westminster*.

Nothing to affect certain Endowments, &c.

V. Provided also, That nothing in this Act contained shall be construed to extend to Endowments of an eleemosynary or any other Character, whose Foundation Trusts are or may be governed by any specific Act of Parliament.

CAP. LXXII.

An Act to facilitate the Sale and Transfer of Land in *Ireland*. [2d *August* 1858.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act further to facilitate the Sale and Transfer of Incumbered Estates in* Ireland: And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act to con-*

12 & 13 Vict. c. 77.

15 & 16 Vict. c. 67.

tinue

'*tinue the Powers of applying for a Sale of Lands under the* '*Act for facilitating the Sale and Transfer of Incumbered* '*Estates in* Ireland: And whereas a certain other Act was 'passed in the Session of Parliament holden in the Sixteenth 'and Seventeenth Years of the Reign of Her Majesty, intituled

16 & 17 Vict. c. 64.

'*An Act for continuing and amending the Act for facilitating* '*the Sale and Transfer of Incumbered Estates in* Ireland: And 'whereas a certain other Act was passed in the Session of 'Parliament holden in the Eighteenth and Nineteenth Years of

18 & 19 Vict. c. 73.

'the Reign of Her Majesty, intituled *An Act to extend the* '*Period for applying for a Sale under the Acts for facilitating* '*the Sale and Transfer of Incumbered Estates in* Ireland: And 'whereas a certain other Act was passed in the Session of 'Parliament holden in the Nineteenth and Twentieth Years of

19 & 20 Vict. c. 67.

'the Reign of Her Majesty, intituled *An Act to extend the* '*Period for applying for a Sale under the Acts for facilitating* '*the Sale and Transfer of Incumbered Estates in* Ireland, and 'to amend the said Acts: And whereas it is expedient to create 'a permanent Court for the Sale and Transfer of Land in '*Ireland*, whether the same shall be incumbered or unincum-'bered, and to invest the said Court with other and more 'extensive Powers than those conferred by the said recited 'Acts:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of certain Terms in this Act.

I. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities charged on Lands and Hereditaments of any Tenure, or any Estate therein, partial, derivative, or otherwise, and whether such Land be held as Freehold or Chattel, or held by Lease, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share;

And the Word "Estate" shall include and extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for, or Right of Renewal, and whether this Land be held in Fee Simple or for any lesser Estate, or held by Lease;

And the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or in any Part of the Land therein comprised;

And the Expression "Lease in perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without

without a Term of Years, or determinable upon the Expiration of any given Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any other Lease or Estate;

The Word "Owner," as applied to Land, shall include any Person beneficially entitled in possession to an Estate in Fee Simple or Fee Tail, or *quasi* Fee Tail, or for any lesser, partial, or derivative or other Estate, Freehold or Chattel, at Law or in Equity, or any Person entitled to such Estate as a Trustee for Sale;

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual;

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, *Ireland*;"

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending of which the Section is conversant;

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being;

And the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event, or at a Time certain, and also any annual or periodical Charge, which, by the Instrument creating the same or any other Instrument, is made purchaseable on Payment of a gross Sum of Money, and every other Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged, or by the Appointment of a Receiver over the same;

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof;

And the Word "Court" shall mean the "Landed Estates Court, *Ireland*;" and where the Expression "the Court" shall be used in connexion with any Act to be done or Order to be made by the same, it shall mean the Judge of the said Court before whom the Matter referred to shall be pending;

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of *Ireland* as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being.

Title of Court, and Place of Sitting.

II. A Court is hereby constituted, to be called the "Landed Estates Court, *Ireland*," with Power to exercise such Jurisdiction and Authority as herein-after provided, and to hold its ordinary Sittings at such Place or Places in the City of *Dublin* as the Lord Lieutenant of *Ireland* in Council shall from Time to Time appoint.

First Judges of the Court.

III. There shall be Three Judges of the said Court, and *Henry Martley* Esquire, *Mountifort Longfield* Esquire, LL.D., and *Charles James Hargreave* Esquire, shall be and are hereby constituted First Judges of the said Court.

Appointment of future Judges.

IV. It shall be lawful for Her Majesty and Her Successors from Time to Time, when and as often as any Vacancy shall occur in the Office of any of the said Judges of the said Court herein-before named, or of any of their Successors for the Time being, by Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of *Ireland*, to appoint a fit Person, being a practising Barrister of at least Fifteen Years standing, who shall have actually practised Fifteen Years in Her Majesty's Superior Courts in *Dublin*, and shall not, at the Time of his Appointment to such Office, have retired from such Practice, to supply such Vacancy.

Judges to hold Office during good Behaviour.

V. Each of the said Judges herein-before named, and every other Judge hereafter to be appointed by Her Majesty and Her Successors, under the Provisions of this Act, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Oath of Judges.

VI. Every such Judge as aforesaid shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of *Ireland* or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I *A.B.* do solemnly and sincerely promise and swear, That 'I will duly and faithfully, and to the best of my Skill and 'Power, execute the Office of Judge of the "Landed Estates 'Court, *Ireland*." So help me GOD.'

Every such Judge as aforesaid shall have Rank and Precedence next after the Puisne Judges of Her Majesty's Superior Courts of Common Law and the Judge of the Court of Probate in *Ireland*.

Judges not to sit in House of Commons.

VII. No Judge appointed under this Act shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Court to have a Seal.

VIII. The said "Landed Estates Court, *Ireland*," shall cause to be made a Seal for their said Court, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the said Court in pursuance of this Act, and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the said Court, shall be received in Evidence without any further Proof thereof.

IX. There

IX. There shall be One Registrar, One Taxing Officer, One Accountant for said Court, One Examiner for each Judge, and so many Clerks and other Officers for the said Court (save the Office of Master) as the Lord Chancellor of *Ireland*, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit. Officers to be appointed.

X. *Henry Carey* Esquire, the present Secretary to the Court for the Sale of Incumbered Estates; shall be the First Registrar, *Richard Augustine Fitz Gerald* shall be the First Taxing Officer, and *Thomson Seed* shall be the First Accountant of the said Landed Estates Court, *Ireland;* and the several Examiners for the said Judges shall be appointed under the Hand of the said Judges respectively. First Appointment of Officers.

XI. Such of the other Clerks and Officers now employed in the said Court for the Sale of Incumbered Estates shall be transferred to such Situations in the Court hereby created as the Judges of the said Court, or any Two of them, shall, with the Approbation of the Lord Chancellor, select and appoint as best qualified for such Situations, or, in default of Appointment by them, as the Lord Chancellor himself shall select and appoint. Certain Officers to be transferred to such Situations as Judges may select.

XII. The Registrar, Taxing Officer, and Accountant of the said Court hereby constituted upon the Death, Resignation, or Removal of the Persons respectively appointed or to be appointed from Time to Time to the said Offices, and the Persons to be appointed to any Situation which is of a general Nature in the said Court, and not attached to any particular Office, and every Officer who shall preside in any Office, shall be appointed by Warrant of the Lord Lieutenant, on the joint Recommendation of the Judges of the Court; or, in default of such joint Recommendation, by the Lord Lieutenant at his Discretion; and the Examiners of the said Judges, and other Officers immediately attached to their respective Courts or Chambers, shall from Time to Time be appointed by such Judges respectively for the Time being as such Office shall become vacant, and the several other inferior Officers or Clerks shall, save in the Case of such Transfer as aforesaid, be appointed by the said Judges jointly. Future Appointment of Officers.

XIII. There shall be paid to *Henry Martley* Esquire a Salary of Three thousand Pounds a Year; there shall be paid to *Mountifort Longfield* Esquire and *Charles James Hargreave* Esquire a Salary of Two thousand five hundred Pounds a Year each, and to every future Judge of the said Court a Salary of Two thousand five hundred Pounds a Year each; and there shall be paid to the Registrar, Taxing Officer, Accountant, and the several other Officers and Clerks who shall be appointed under the Provisions of this Act, such Salaries as the Commissioners of Her Majesty's Treasury shall approve, upon the Recommendation of the Judges of the said Court, with the Approval of the Lord Chancellor, all which several Salaries shall be payable quarterly. Salaries of Officers.

XIV. The

Certain Officers to hold their Offices during good Behaviour.

XIV. The Registrar, Taxing Officer, Accountant, and Examiners shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the said Court, with the Sanction of the Lord Chancellor of *Ireland*, for some reasonable Cause to be in the said Order expressed, and all other Officers of the said Court shall be removable by the joint Order of the said Judges thereof, with the Sanction of the Lord Chancellor.

Qualification of Officers.

XV. No Person, save such as shall be transferred under the Provisions of this Act, shall be appointed Examiner, Registrar, or Taxing Officer of the said Court who shall not have been a Barrister or Solicitor of at least Six Years standing, unless he shall have filled some Office or Offices in the Court for the Sale of Incumbered Estates or the Court hereby constituted, or some Offices in both Courts, or some Office or Offices in the Court of Chancery for a Period of Five Years.

Officers to act in Person.

XVI. The Registrar, Taxing Officer, Accountant, and Examiners shall execute their respective Offices in Person, and not by Deputy, unless where a Deputy for the Execution of any of such Offices shall be appointed for that Purpose by the Lord Chancellor in the Case of temporary Illness or other unavoidable Accident; and no Officer of the said Court shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Privilege of Barristers and Solicitors.

XVII. Barristers and Solicitors shall respectively have and enjoy the like Privilege of practising before and be subject to the like Authority of the said Court as they have and enjoy and are subject to in Her Majesty's High Court of Chancery, or the Court for the Sale of Incumbered Estates in *Ireland*.

Salaries of Judges and Officers.

XVIII. The Salaries payable to the Judges of the said Court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Salaries payable to the other Officers of the said Court under this Act shall be payable out of such Funds as shall be provided by Parliament for such Purpose, and all such Salaries shall be paid by equal Portions, quarterly, and the first of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge, such Judge, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Times of the Commencement of such Salary, or from the last Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension of Judges.

XIX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person exercising the Office of Judge of the said Court in pursuance of this Act an

an Annuity not exceeding Two Thirds of the Salary of such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; provided that no such Judge shall be entitled to such retiring Allowance until he shall have served for a Period of at least Fifteen Years; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* and such Annuity shall be paid quarterly by equal Portions, and the first quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Officer, shall be made on such of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement of the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Amount of the Salary of the Office previously held; provided also, that no Annuity granted to any Person having executed the Office of Judge of the said Court under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioners for the Sale of Incumbered Estates in *Ireland*, or in the Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of Fifteen Years, or shall be inflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension of Officers.

XX. Every Registrar, Taxing Officer, Accountant, Examiner, or other Officer, who shall hold Office under the Provisions of this Act, shall be entitled to the like retiring Allowances and upon the same Conditions as by the "Court of Chancery (*Ireland*) Regulation Act, 1850," are provided in respect of the Offices of the said Court of Chancery; and all the Provisions of the said Act relating to such retiring Allowances shall extend to and include the Officers of the Court hereby created, and their respective Salaries, save that the said retiring Allowances shall be paid out of such Monies as may be provided by Parliament for that Purpose: Provided that in estimating the Length of Service the Time during which any such Officer shall have filled any Office in the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or in the Court of Chancery or the Superior Courts of

Compensation to unemployed Officers of the Incumbered Estates Court.

of Common Law in *Ireland*, shall be taken into Account as if such Service had been under this Act; that *Stephen Woulfe Flanagan*, and the several other Officers of the Court for Sale of Incumbered Estates in *Ireland* whose Offices have been or shall be abolished, and such Officers as are not to be transferred to the said last-mentioned Court, shall receive such Compensation by way of annual Payment out of such Monies as may be provided by Parliament for that Purpose, as the Judges, with the Assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of Her Majesty's Treasury.

Period during which such unemployed Officers may have served to be taken into account in estimating future retiring Pensions, &c.

XXI. In case the said *Stephen Woulfe Flanagan*, or any other Officer of the said Incumbered Estates Court who shall not be transferred to the said Landed Estates Court, shall at any Time hereafter be appointed to any Office under Her Majesty, the Period during which he has served in the Incumbered Estates Court shall be taken into account and allowed in estimating the Period at which he shall be entitled to retire from such new Office, and the Amount of the retiring Pension or Superannuation Allowance to which he shall be entitled.

Commencement of the new Court.

XXII. The Authority and Jurisdiction of the "Landed Estates Court (*Ireland*)" shall commence and take effect from the First Day of *November* next.

Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court.

XXIII. Every Commissioner, Secretary, or other Officer appointed under the Provisions of the first-recited Act may hold his Office until the said First Day of *November*, and no longer, unless the Lord Chancellor shall otherwise direct; and all such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by the said lastly-recited Act of the Nineteenth and Twentieth Years of Her Majesty authorized to be made within Five Years from the Twenty-eighth Day of *July* One thousand eight hundred and fifty-three, may be made before the said First Day of *November* next; and all Orders and Proceedings by such said Acts or any of them authorized, and which might be made, had, or taken under the same, may be made, had, and taken at any Time before the said last-mentioned Day.

Lord Chancellor to call for a Return of Business before the Commissioners for Sale of Incumbered Estates.

XXIV. It shall and may be lawful for the Lord Chancellor to issue an Order directed to each of the Commissioners for the Sale of Incumbered Estates in *Ireland* requiring him to report to the Lord Chancellor the Number and Titles of Matters pending in his Office, distinguishing those in which Orders for a Sale or for an independent Partition or Exchange have been made, those in which Rentals have been settled, those in which Sales have been had, those in which Deeds have been executed to a Purchaser, and those in which Final Schedules have been ruled, with the Date of the filing of the Petition in each Matter, so far as such Proceedings shall be incident to such Matters, and

and the Dates of such Acts of the Commissioners in the Progress of such Matters respectively as have been in this Section enumerated; and each Commissioner shall, within such Time after having been served with such Order as shall be named therein, make a Report or Return in conformity to the Terms and Requisition of same.

Judges to make annual Return to Secretary of State.

XXV. At the Termination of each Year after this Act shall come into operation, each Judge shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number and Titles of Matters which shall have been brought into his Chamber during the Year, and of all Matters then pending, distinguishing those which are founded upon original Applications from those referred by the Courts of Chancery and the Court of Bankruptcy and Insolvency, and distinguishing those in which Orders for a Sale or independent Partition or Exchange or for specific Performance or Declarations of Title have been made, and those in which Applications or References have been dismissed or the Title registered, and also the Titles of Matters in which Rentals have been settled, those in which Sales have been had, those in which Deeds of Conveyance have been executed to a Purchaser, and those in which Final Schedules have been settled, together with the several Dates of such Applications or References, and the Dates of such Acts of the Judges respectively as are in this Section enumerated, and the Dates of the filing and Commencement of each Matter respectively, and the said Return shall also state the Sum produced on each Sale; provided that the Form of and Particulars to be contained in such Return may be varied by any General Order of the Court.

All Matters pending before the Incumbered Estates Court to be transferred to the new Court.

XXVI. When and so soon as the Court constituted by this Act shall come into operation, all the Matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in *Ireland* shall thereupon stand transferred to the "Landed Estates Court, *Ireland*," and be dealt with in that Court in respect of all Orders and Conveyances, and otherwise in the further Prosecution of the same, as if the said Matters had been commenced in the said last-mentioned Court; and all Acts and Orders of the said Commissioners, whether their Powers shall or shall not have expired, shall continue in force, save as herein mentioned; and the Court shall for the Purposes of such Matters have all the Jurisdiction, Power, and Authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the Rules of Procedure which shall be in force under this Act shall be applied in the future Prosecution thereof, so far as such Rules are capable of being so applied, and if such Rules shall not be found applicable thereto, then such Matters shall be prosecuted according to the Course of Procedure theretofore used before the said Commissioners; and every Appeal previously made to the full Court of the said Commissioners which shall be then pending shall not be heard by them, but shall be prosecuted directly before the

Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving Judgment in any Case which shall have been heard before them, or shall prevent any of the Parties to such Matter from having an Appeal therefrom to the Court of Appeal in Chancery; and provided that every Proceeding to make absolute a Conditional Order which shall have been made by the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or by any of them, shall be prosecuted before a Judge of the said Landed Estates Court as if such Order had been pronounced by him; provided also, that nothing herein contained shall operate to prevent the Court from rescinding, vacating, or varying any Acts or Orders of the said Commissioners, as if same had been made or done by the Court itself.

Stock and Cash to be transferred to the Control of new Court.

XXVII. When and so soon as the Court constituted by this Act shall come into operation, the Cash and Stock now standing to the Credit of the Commissioners for the Sale of Incumbered Estates in *Ireland*, or under their Control, or of any Matters then pending before them, shall be transferred to or placed under the Control of "The Landed Estates Court, *Ireland*," and may be generally transferred or changed to such Names or Credit as the last-mentioned Court shall, by any General Order or Orders or by any Special Order or Orders, from Time to Time direct; and in the meantime it shall be lawful for the several Judges of the Court from Time to Time to make such Orders in relation to any Portion or Portions of such Funds, and draw or make such Orders, or ratify such Drafts or Orders of the Commissioners in relation to any Portion or Portions of such Funds, as the said Commissioners or any of them could have drawn or ratified before the Time when this Act shall have come into operation, or as such Judges shall be authorized by any General Rule or Order of the Court; and the Accountant of the "Landed Estates Court, *Ireland*," shall and hereby is authorized and empowered to do any Act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such Acts as he shall be authorized to do by any General Rule or Special Order of the Court.

Deeds, Books, &c. to be handed over as Lord Chancellor shall direct.

XXVIII. When the Court constituted by this Act shall come into operation the several Officers of the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland* shall respectively hand over and deliver up all such Deeds, Documents, Books, and Papers as shall be then in their Custody as such Officers, and to such Person or Persons as the Judges of the Court shall by Order direct.

Judges to frame and promulgate Forms of Application, &c.

XXIX. The said Judges shall frame, and cause to be printed and circulated or promulgated, as they shall see Occasion, Forms of Applications and Directions indicating the Particulars of the Information to be furnished to the Court, on Applications to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other

other Information as, in the Judgment of the said Judges, may assist them in forming an Opinion on such Application, and also such other Forms and Directions as they may deem requisite or expedient for facilitating Proceedings under this Act.

Judges to frame General Orders, to be approved by Lord Chancellor, &c.

XXX. The said Judges, on or before the First Day of *November* next, shall prepare a Code of General Rules, such as they may think best adapted for regulating the Course of Procedure under this Act, and in relation to the making Investments, and generally for securing the due Execution of the Powers vested in the said Court, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officer or Person appointed under this Act, upon or in respect of any Proceedings under this Act, save in respect of the Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Seventy-two Words, as shall be paid for the making of such Copy or Extract, and the said Court shall authorize to be charged to such Party for the same: Provided always, that every such Code of General Rules shall be laid before the Lord Chancellor of *Ireland*, and the Lord Chancellor thereupon, with the Assistance of the Lord Justice of Appeal, shall consider the Expediency of such Rules and every of them; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Lord Justice of Appeal, by Order signed by him, to confirm or disallow all or any of such Rules, or to alter or amend, and confirm with such Alterations or Amendment, any of such Rules, or to remit any of such Rules to the said Judges for further Consideration, or to frame any additional Rule or Rules; and every such General Rule or Rules (when the same shall have been so confirmed by Order of the Lord Chancellor) shall be enrolled in the High Court of Chancery in *Ireland*, and when so enrolled shall be binding on the said Court in the Exercise of its Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided also, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be added to, rescinded, amended, or altered, as Occasion may require, by other Rules made by the Judges for the Time being, and confirmed and enrolled in like Manner; and provided also, that it shall be lawful for any of the Judges of the Court singly to lay any Rule or Rules before the Lord Chancellor which such Judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such Rule or Rules as if the same had been prepared and laid before him by both the Judges of the said Court.

Special Notice to Tenants and Owners of contiguous Lands.

XXXI. The Court or Judges thereof, in framing General Orders under this Act, shall have regard to the best Mode of apprizing Tenants on the Estate of the Subject of any Matter or Reference pending before the Court, and of the Nature and

Effect of the Proceeding, by causing Notices to be posted on and in the Vicinity of the Lands, and also by Advertisement or otherwise, thereby inviting them to establish their Rights, with a view to have such reserved, and shall also have regard to the best Mode of calling the Attention of Owners of Lands contiguous to those which may be the Subject of any Matter or Reference pending before the Court, to the Boundaries set out in the Maps annexed to the Rental, and shall also have regard to the best Mode of having brought before the Judge a Draft of every proposed Conveyance or Declaration, and of having produced before the Judge such Materials as shall enable him to settle such Conveyance or Declaration in accordance with the Rights of the Tenants and other Parties concerned.

General Orders to be laid before Parliament.

XXXII. Such Code of General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Enrolment thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the next Session of Parliament.

Power of Court to summon and examine Witnesses.

XXXIII. It shall be lawful for the Court, by Summons under its Seal, to require the Attendance before One of the said Judges or any Officer of said Court, at a Time and Place to be mentioned in such Summons, of all such Persons as it shall think fit to examine in relation to any Question or Matter depending before the said Court, and to require all such Persons to produce before the said Court or Judge or Officer all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in case of Persons allowed to make Affirmations or Declarations in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend as Witnesses; and it shall be lawful for either of the said Judges or any Officer appointed for that Purpose generally or in the particular Matter to administer such Oath, Affirmation, or Declaration, and every Person required by such Summons so to attend who without reasonable Cause, to be allowed by the said Court, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him on such Examination, or shall refuse or fail to produce before the said Court, Judge, or Officer any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the said Court, Judge, or Officer, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing

failing to appear or refusing to be sworn or to give Evidence in any Suit or Matter depending in the High Court of Chancery in *Ireland*; and the said Court, and each of the Judges thereof, shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear or refusing to be sworn or to make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the said Court under any of the Powers or Authorities vested in it under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in *Ireland* for such Purposes in relation to any Suit or Matter depending in such Court.

Judges may receive Affidavits in Evidence.

XXXIV. Provided always, That the said Court or Judge thereof may, where they or he think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in *Ireland*, or where they think fit the said Court may, by Order under the Seal thereof, appoint and authorize any Person, either generally or in a particular Matter, to take Affidavits or examine any Witness or Witnesses who shall attend before such Person to be examined in *Ireland* or elsewhere, in relation to any Application to or Matter pending before the said Court, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination; but the Deponent in every such Affidavit shall, on the Application of any other Party interested in the Facts deposed to, be subject to be cross-examined by or on behalf of such other Party orally in open Court, or before any Person appointed to take such Examination, and after such Cross-examination may be re-examined orally in open Court, or before such Person appointed as before said.

Examination by Commissioners.

XXXV. It shall be lawful for the Court to enforce the Attendance of Witnesses, and to have such Witnesses examined and Evidence taken in any Matter pending before it, whether by Commission or otherwise, before such Person or Persons or such Tribunal as under the several Statutes now in force and hereafter to be enacted the Court of Chancery, or Her Majesty's Superior Courts of Common Law in *Ireland*, may have Evidence taken and received.

Orders of the Court may be enforced in England.

XXXVI. Every Order made by the said Court constituted under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in *England*, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in *Ireland*, a Copy whereof is exemplified and certified to the said Court of Chancery in *England* under the Great Seal of *Ireland*, may be enrolled and enforced under an Act passed in the Forty-first Year of King *George* the Third, intituled *An Act for the more speedy and* 41 G. 3. c. 90.

effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain *and* Ireland, *and for the better Administration of Justice within the same.*

Court to be a Court of Record, and shall have Powers, &c. of a Court of Equity.

XXXVII. The said "Landed Estates Court, *Ireland*," shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in *Ireland*, for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, upon such Applications, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but the Procedure of the Court in reference to the same shall be according to such General Rules as aforesaid, or when the General Rules shall be inapplicable, at the Discretion of the Court; and the said Court shall have Power, in relation to any Matter or Question before them, to direct Issues of Fact to be tried by a Jury; and, subject to any General Rules as aforesaid, the Acts and Orders of each Judge acting separately shall for all the Purposes of this Act be deemed and taken in relation to all such Inquiries and Matters as the Acts and Orders of the said Court, and so described in the said Orders and in all legal Proceedings.

Power of the Court to direct an Issue to be tried by Jury.

Power to Court, in certain Cases, to summon a Jury.

XXXVIII. It shall be lawful for the Court to cause any Matter or Question of Fact arising in any Proceeding before them to be tried by a Special or Common Jury before the Court itself; and the Court may make all such Rules and Orders upon the Sheriff, or on any other Person, for procuring the Attendance of a Special or Common Jury for the Trial of such Question or Matter of Fact, as may be made by any of the Superior Courts of Common Law at *Dublin*, and may also make any other Orders which to the Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualification, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause of the said Superior Courts; and every Juryman so summoned shall be entitled in the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights, as to Challenge and otherwise, as if he were a Party to any such Cause, and generally for all Purposes of or auxiliary to the Trial of Question of Fact by a Jury before the Court itself; and in respect of new Trial the Court

Court shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, for the like Purposes: Provided that from any Order made by the Court on an Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court: Any Question of Fact which shall be so ordered to be tried by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict give thereon according to the Evidence, and upon every such Trial the Court shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Court may rescind or vary its own Orders.

XXXIX. It shall be lawful for the Court to review and rescind or vary any Order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but, save as aforesaid, and as herein-after provided, every Order of the Court shall be final.

Proceedings in each Matter to be taken before a single Judge.

XL. Upon each Petition being presented to the said Court, the Subject Matter of the same shall be referred to and become attached before One of the said Judges, according to a Routine to be settled by the General Orders of the said Court, and all Proceedings in reference to the same, save as herein-after provided, shall be taken before the Judge before whom such Matter shall have been so attached, and the Decision of such Judge in the Course of the Proceedings in the said Petition Matter shall not be subject to any other Appeal than that herein-after provided, and every Order of such Judge shall be deemed and taken to be and shall be called the Order of the said Court: Provided always, that nothing herein contained shall operate to prevent such Judge, before pronouncing any Decision, if he shall see fit, from calling in the Aid of One or both of the other Judges of the said Court; provided also, that it may be lawful for any of the Judges of said Court to take up and perform in the whole or Part the Duty of any other Judge of the said Court in relation to any Matter attached or pending before him, where such other Judge shall be ill or absent, or his Office be vacant, or for other reasonable Cause.

Appeal from Judges to be direct to the Court of Appeal in Chancery.

XLI. Every Order or Decision of the Judge shall be subject to a direct Appeal to the Court of Appeal in Chancery in *Ireland* and no other, but such Appeal must be entered within Three Months from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act, and on hearing of such Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court below, but the said Appeal Court, if it shall think fit, may

 receive

receive such Evidence, or direct or make any such Inquiry thereon, as it shall seem fit, or may direct the Court below to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce; and the Costs of such Appeal shall be in the Discretion of the said Court of Appeal: Provided always, that it may be lawful for said Court of Appeal, if it see fit, on special Application for that Purpose, to rehear any Appeal upon which it may already have made an Order, and on such Rehearing to rescind, vary, or add to such Order as to said Court of Appeal may seem just.

Appeals from Chancery to be to the House of Lords.

XLII. Any Decision of the Court of Appeal in Chancery from the "Landed Estates Court, *Ireland*," shall be subject to an Appeal to the House of Lords, in like Manner as, and subject to the like Conditions and Restrictions as, apply to or govern, or hereafter from Time to Time shall apply to or govern, Appeals from the Court of Appeal in Chancery to the House of Lords.

Owner of Incumbered Estate, or any Incumbrancer, may apply for a Sale.

XLIII. Where any Land in *Ireland* shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land, or for the Owner of any Estate therein charged with such Incumbrance, to apply to the Court, under the Provisions of this Act, for the Sale of the Estate in said Land charged with such Incumbrance.

Owner of unincumbered Estates may apply for a Sale.

XLIV. In any Case where any Person shall be seised or possessed of any Estate in Land as Owner thereof (save a Trustee, other than a Trustee for Sale,) it shall be lawful for such Person to apply to the Court for the Sale of such Estate under the Provisions of this Act.

Incumbrance by a Trust Term.

XLV. Wherever any Incumbrance affecting Land shall be secured by a Trust Term thereof of not less than Ninety-nine Years absolute, of which not less than Sixty Years shall be unexpired, and shall have been created by the Owner of a larger Estate in such Land, whether Freehold or Chattel, such Incumbrance shall for the Purposes of this Act be deemed an Incumbrance upon such larger Estate; and an Incumbrance on Land charged under a Power shall for the Purposes of this Act be deemed an Incumbrance upon the Estate in such Land of the Person who created such Power.

Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.

XLVI. It shall and may be lawful for any Person who would be authorized under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, intituled *An Act to facilitate Leases and Sales of settled Estates*, to make an Application to the Court of Chancery for the Sale of a settled Estate in Land, instead of making such Application to the said Court of Chancery to apply to the Court created by this Act for the Purpose of having the Sale of such settled Estate in the said Lands under the said last-mentioned Court; and thereupon it shall be lawful for the Court to exercise all the Powers conferred upon the Court of Chancery in relation to Sales of such Nature under the Provisions of the said last-mentioned Act; save that the Judge shall

shall himself execute the Conveyance to the Purchaser under such Sale, and save that such Conveyance shall have the like Operation and Effect, and confer such indefeasible Title to the Purchaser, as if such Sale had been made and such Conveyance had been executed upon an Application for the Sale of an Incumbered Estate under this Act: Provided always, that the Court shall make such Investigation of the Title and Circumstances of the said Lands as the Court shall see expedient, and as in other Cases preliminary to Sales under this Act; provided also, that every Decision and Order in the Course of such Proceeding shall be subject to Appeal to the Court of Appeal in Chancery as in other Cases under this Act.

Vendor or Vendee may apply for an Investigation of Title, and a Conveyance with indefeasible Title.

XLVII. Whenever a Contract for Sale of any Estate in *Ireland* shall be made, it shall and may be lawful for the Vendor and Vendee jointly, or, if the Contract shall so provide, for the Vendor or Vendee individually, as the Case may be, to present a Petition to the said Court for the Purpose of procuring for the said Vendee an indefeasible Title to the Land so previously sold, and a statutable Conveyance thereof under the said Court to him, and (if necessary) the Court, as incidental to such Proceeding, may make an Order for a specific Performance of such Contract at the Instance of either Party, and thereupon all Investigations of Title and other Proceedings in relation to such Petition shall be similar to those which are and shall be prescribed for Owners applying for the Sale of incumbered or unincumbered Property by the Court as aforesaid, save that no Sale thereof shall be made by the said Court, unless the Petitioner, being the Vendor, shall so desire, with the Consent of the Purchaser, but the Sale or Contract so theretofore made by the Vendor shall be ratified by the said Court, if it shall so think fit, and a Conveyance of such Property so sold shall be executed to the Purchaser by the Judge, and such Conveyance shall have the same Validity and Effect as Conveyances of Incumbered Estates by the Judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the Purchase Money such Incumbrances as shall appear upon Investigation of Title to be charged upon the Property so sold or contracted to be sold, and for that Purpose to order the Purchase Money into Court: Provided always, that it shall be lawful for the Court, at the joint Instance of the Vendor and Vendee, to substitute any other Person as Purchaser in the Room and Stead of the original Vendee, or to set up the Land for Sale under the Court, and in such Case the Conveyance shall be made by the Judge to such substituted or other Purchaser as if the original Application had been for a Sale of the Lands so contracted for.

Incidental Power to enforce specific Performances.

XLVIII. In the Matter of every such Application as in the last Section mentioned, the Court, if so required, shall, as incident to such Application, exercise and is hereby invested with all the Jurisdiction and Powers at present exercised by the Court of Chancery in respect to specific Performance of Contracts

Contracts for the Sale of Land, whether the Person seeking for such Relief shall be the Person who shall have made the original Application in the Matter or not.

Where a Decree for a Sale is pronounced in Chancery, or where Order for Sale is in Bankruptcy or Insolvency, Sales shall be made by the "Landed Estates Court, Ireland."

XLIX. Whenever any Order or Decree for a Sale of any Estate of Land in *Ireland* shall be pronounced by the High Court of Chancery in *Ireland*, or One of the Masters thereof, or any Judge or Officer of the said Court who, according to the Practice thereof, may make such Decree or Order, and where any Order for Sale of Lands shall be pronounced by a Judge of Her Majesty's Court of Bankruptcy and Insolvency in *Ireland*, such Sale shall be effected in and by the "Landed Estates Court in *Ireland*," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the Title of such Land shall undergo such Investigation by the "Landed Estates Court in *Ireland*," preparatory to such Sale, as shall be incident to Sales founded upon Petitions filed in the said last-mentioned Court, and the Conveyance of such Land to the Purchaser thereof shall be executed by a Judge of the said last-mentioned Court, and such Conveyance shall have the like Operation and Effect as Conveyances by Judges of the said Court to Purchasers upon Sales founded upon Petitions to the said Court under this Act: Provided always, that if upon the Representation of the Parties, or on Consideration of the small Value of the Property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such Investigation of Title or Sale or Conveyance by the "Landed Estates Court, *Ireland*," it shall be lawful for such Courts respectively to retain the Conduct of the said Sale, and otherwise act in relation thereto according to their own Course of Proceeding as if this Act had not been passed.

Proviso as to Investigation of Title.

Application of Purchase Money when Sales are made in pursuance of Order in Chancery or Bankruptcy.

L. Where Sales shall be effected in and by the "Landed Estates Court, *Ireland*," of any Lands which had been decreed or ordered to be sold by Decree or Order of the Court of Chancery or any of the Judges, Masters, or other Officers thereof as aforesaid, the Purchase Monies realized by such Sales shall, if the Court of Chancery or Judge or Master thereof shall so direct, be paid into or lodged in the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery, or otherwise disposed of in such Matter as shall be directed by any General or Special Order of the Court of Chancery, and shall be distributed by such Court according to the Course and Practice thereof as if this Act had not been passed, and as if the Fund so realized had been produced by a Sale directly had by or under the Court in which such Proceedings had been instituted; but when the said Court of Chancery shall not direct such Purchase Monies to be so lodged to the Credit of the Accountant General of the said Court, the same shall be lodged to the Credit of the Court hereby constituted, and abide the Order thereof, as if the Sales had been made on an original Application to the same, unless the Court

Court shall deem it expedient to transfer such Fund to the Court of Chancery; and in every Case where a Sale shall be so made by the "Landed Estates Court, *Ireland*," in pursuance of an Order of the Court of Bankruptcy and Insolvency, the Purchase Money upon the same shall abide the General or Special Orders of the said last-mentioned Court, or which may be in force for the Regulation of the same, or otherwise, as if such Sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided nevertheless, that if on such Investigation of Title as in the last Section mentioned it shall appear to the Court that the Title is insufficient, and such as the Court ought not and would not sell if the Proceedings had been originally instituted in the "Landed Estates Court, *Ireland*," the Judge shall refuse to sell, and shall certify and report such Refusal and the Reason thereof to the Court by which such Decree or Order shall have been made, together with such other Matters relating to the Defect in such Title as to the Judge shall seem expedient, but subject to such Appeal as is herein provided from the Orders of the Judge.

Owner may obtain a Declaration of indefeasible Title from Court.

LI. Where any Owner of an Estate in Fee Simple in Land, whether subject to any Fee-farm or other perpetual Rent, in *Ireland*, shall desire to have his Title thereto investigated by the Court, and a Judicial Declaration made thereon that he has a good and sufficient Title to the same, as alleged by him, with view to future Sale, Mortgage, or Registration thereof, or other Objects, it shall be lawful for him to make an Application to the Court for that Purpose, whereupon the said Court shall investigate such Title and give such Notices, by Advertisement or otherwise, as the Court may by General or Special Order direct, and otherwise proceed in like Manner as if a Sale of such Land had been sought by the Owner; and if such Title shall appear satisfactory to the Court, it shall be lawful for the Judge to make and sign a written Declaration to that Effect, which shall be sealed with the Seal of the Court, and shall state, in a Schedule thereto, any Leases, Tenancies, and Incumbrances to which the Court shall find such Estate subject; and such Declaration, so signed, sealed, and registered as hereinafter mentioned, shall have the Effect of making such Title so described in such Declaration (but subject to the Leases, Tenancies, and Incumbrances referred to in such Schedule,) conclusive and indefeasible from the Date of signing thereof by the Judge, in like Manner as same would have been vested in a Purchaser upon a Sale and Conveyance to him by the Court upon an Application to it for a Sale of the said Land; and it shall and may be lawful for such Owner to have such Declaration registered in the Office for the Registry of Deeds in *Ireland*, which original Declaration the Registrar of such Office is hereby authorized and directed to file as he is now bound by Law to do in respect to Memorials of Deeds, and shall receive such Fees on the Registration of such Declaration

Effect of Declaration

Registry of Declaration

as

as are now chargeable on the Registration of Deeds; and the Registrar shall enter in the Books of the Registry the Name of the Person mentioned in said Declaration as having such Title, and the Name and Description of the Lands therein set forth, and shall refer to same on a Requisition for Searches, in like Manner as he is now bound by Law to enter the Names of Parties and Lands as described in Memorials of Deeds, and make such Return on Requisitions as aforesaid; and the Registrar shall from Time to Time give Attested Copies of such Declarations to any Persons who shall require the same, on Payment of the Fees payable in respect of Copies of Memorials, and such Copies of Declarations shall have all the Effect in Evidence which has been given by any Statute now in force with respect to Memorials of Deeds registered in the said Office: Provided always, that no Registration of such a Declaration shall be permitted by the said Registrar of Deeds, unless the Declaration be lodged with him within One Week from the Date of the Execution thereof by the Judge, and unless an Affidavit of the Execution of the same by such Judge shall be made by a Solicitor presenting the same, which Affidavit the said Registrar is hereby empowered to administer, and any Person swearing falsely in any such Affidavit shall be subject to all the Penalties and Punishment affixed by Law to the Crime of Perjury; and the said Court shall keep a Record of such Declaration in such Form and Manner as shall be provided by a General Order: Provided that if after such Investigation of Title under this Section the Owner may be at liberty, instead of obtaining such Declaration, to have the Land sold and conveyed by the Court, and the Fund realized by such Sale disposed of as if the Application had been originally to that Effect.

On Application for a Declaration of Title the Court shall direct Publication thereof to be made by Advertisement.

LII. When and so soon as any Application shall be made to the Court for a Declaration of Title under this Act, the First Act of the Court in reference to such Application shall be to cause Publication thereof to be made by Advertisement in such Manner as the Court shall direct; and when and so soon as the Court shall make a Rule, Order, or Decision as to the Sufficiency of the Title of the Person applying for a Declaration thereof as aforesaid, the Court shall cause such Order or Decision to be published in such Manner as the Court shall direct; and such Declaration shall not be signed by the Judge until after the Expiration of Three Calendar Months from the First Publication hereintofore mentioned, and of One Calendar Month after the Publication of such Rule, Order, or Decision; provided that no Appeal shall lie from the Declaration of Title when signed by the Judge and registered as aforesaid.

Power of Court to sell, and Proceedings thereon.

LIII. If, upon any Application for a Sale, Conveyance to a Vendee, or Declaration under this Act, or the Execution of any Decree or Order for a Sale directed by the Court of Chancery or Bankruptcy and Insolvency in *Ireland* respectively, or upon any Information or Evidence which may be received by and

and produced to the Judge in relation to the Matter of such Application or Reference, it shall appear to the Judge that a Sale or Conveyance of the Land to which the Application, Decree, or Order may relate, or any Part thereof, or Conveyance to a Vendee or Declaration of Title, may be found expedient, he shall direct Notices to be given to such Persons and in such Manner as he shall think fit, and shall, where any Parties interested in the Land apply to the Court for that Purpose, hear such Parties, by themselves, their Counsel or Solicitors, and shall, so far only as may be necessary to enable him to determine whether, under all the Circumstances, it is expedient that a Sale of all or any Part of the Land should be made, or Conveyance to a Vendee be executed, or a Declaration of Title should be made, investigate the Title and the Incumbrances affecting the Land, and the State and Circumstances of the Land, and, according as it shall seem so expedient to the Judge, it shall be lawful for him, at his Discretion, to make or refuse an Order for the Sale of all or any Part of such Land, or for a Conveyance to such Vendee, or a Declaration of Title accordingly, in manner aforesaid, or, if he see fit, he may dismiss any original Application in such Matter, or report or certify the Insufficiency of the Title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

Court to ascertain Tenancies, Right of Common, &c.

LIV Where a Sale shall be made, or a Conveyance executed, or a Title declared under this Act, the Judge shall, when and so far as he may deem necessary for the Purpose of such Sale, Conveyance, or Declaration, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases and other such Rights as aforesaid affect the Land or Part thereof to be sold, conveyed, or to be the Subject of such Declaration, and the Rights of Persons claiming Right of Common, Rights of Way, or other Easements in such Lands, and shall also ascertain the Boundaries thereof, and may give such Notices and make or cause to be made such Inquiries as he may think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or Persons having such Easements as aforesaid, and for ascertaining the Boundaries of such Lands: and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, or claiming such Right of Common, Right of Way, or other Easement, shall, at such Times and Places as the Judge may by his Notices require, produce all Leases, Under-leases, Agreements in Writing, or Deeds or Instruments under which such Tenant or Person occupy or claim to hold, or such Persons claim such Easements, if such Leases, Under-leases, or Agreements, or Counterparts thereof, or such Deeds or Instruments, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of

of the Terms and Conditions upon and subject to which they occupy, or claim to hold; and such Persons as may claim Right of Common, Right of Way, or other Easements, or who may dispute such alleged Boundaries, shall also in like Manner deliver Particulars of such Rights or such Grounds of Objection to such Boundaries, and shall sustain such Claims or Objections; and the Sale, Conveyance, or Declaration shall be made subject to the Tenancies, Leases, or Under-leases, Rights of Common, Rights of Way, or other Easements, and to such Boundaries, ascertained as aforesaid, and subject to which the Owner, Incumbrancer, or other Person applying for a Sale, Conveyance, or Declaration under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, or Easements, ascertained as above, as shall appear to the said Judge to have been granted *bonâ fide* by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the said Judge the Sale, Conveyance, or Declaration should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and where the said Judge shall think fit be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies or Easements the Nature of which shall not have been ascertained or shall be disputed; and the Decision of the said Judge in relation to such Claim under Leases or of Easement, or in relation to such Boundaries, shall be final and conclusive as to all Persons whatsoever, but subject to the Appeal hereby provided from the Orders of the Judges; and when the said Judge shall think fit, such Sale, Conveyance, or Declaration may be made subject to any annual Charge affecting the Land or Part thereof sold, or to any such apportioned Part of such annual Charge as the Judge may think fit should remain charged thereon; and where such Estate in Land or Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale or Conveyance may, if the said Judge think fit, be made subject to such Incumbrance; and the Court shall have Power, upon any Application for Sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made under this Act, to sell and convey any Land subject to any Right, Title, or Estate to or in Dower, Jointure, or Annuity.

Sale may be made subject to annual Charge or Apportionment thereof.

Court may sell subject to annual Charge.

Sale to be had under Control of Court either by Public Auction or by Private Contract, and Conveyance to be made by Judge under Seal.

LV. Where the said Judge shall make an Order for Sale, the Land or Part thereof to which such Order shall relate shall be sold, by or under the Control and Direction of the said Judge, by Public Sale or Private Contract, together or in Lots or Parcels, at such Times and Places and generally in such Manner as the said Judge may think fit, and the Conveyance or Assignment of the Land or Part thereof shall be made by the

the said Judge under the Seal of the Court, and shall be signed by the said Judge, and the Execution by any other Party shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases and Under-leases, Rights of Way, Rights of Common, or other Easement (if any), and Charges (if any), subject to which the Sale is made, and may be in the Form contained in Schedule B. to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the said Judge, the Purchaser may direct: Provided, that every Conveyance made under or in pursuance of this Act shall set forth the full Amount of the Purchase Money or Consideration and other Facts upon which the Amount of Stamp Duty shall depend.

Purchase Money to be paid into Bank.

LVI. The Purchase Money in every Case shall be paid into the Bank of *Ireland* to an Account to be there opened in the Name of the "Landed Estates Court, *Ireland*," or otherwise as the Court by General Rule or Special Order shall direct; and on the Notification by the Bank to the said Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment by the Judge who shall execute the same; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate of the Judge under the Seal of the Court shall be Evidence of the Payment.

Persons interested may bid at Sale, except Petitioner, or Person having Carriage of Sale, who may bid by Permission of the Court.

LVII. Provided always, That it shall be lawful for any Incumbrancer on, or Person otherwise interested in, any Land or Rentcharge, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered, or the Person having Carriage of the Sale, or Attorney or Solicitor of such Incumbrancer or Owner as last aforesaid, or of the Person having Carriage of the Sale,) to bid at any Public Sale, and to become the Purchaser at any Public Sale or by Private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the said Judge, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land, or Part thereof, shall be the Purchaser of such Land, or Part thereof, the Judge may, if he think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of *Ireland* under this Act, or such Sum on account of such Amount as the Judge may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where, at the Time of authorizing such Retainer as aforesaid, the said Judge shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, or the Amount which he would be entitled

Incumbrancer becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase Money, with Leave of Court.

entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the said Judge to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be paid by him, and the said Judge shall withhold his Certificate of Payment herein-before mentioned until he shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Court may include Arrears of Rent in Sale of Land.

LVIII. Where a Sale is made by the Court under the said recited Acts or this Act of any Land or Lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly, and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery, and in respect of the Nonpayment thereof, the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof or any Conveyance or Assignment of such Land or Lease had been made.

Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner.

LIX. Where there is or shall be an Application to the Court for the Sale of any undivided Share of any Land, it shall be lawful for the Court, where it shall see fit so to do, upon the Application of the Owner of any other undivided Share or Shares of the same Land or Lease, (and although such other undivided Share be not subject to any Incumbrance,) or on the Application of any Incumbrancer on such other undivided Share or Shares, to include the same Share or Shares, upon such Terms as it shall see fit, with the Share so proposed to be sold as aforesaid, and in every such Case the Court shall apportion the Purchase Money among the Owners, according to their respective Shares so sold, and shall apportion the Expenses as they may see fit.

Court may order Conversion of Leaseholds in Perpetuity into Fee Farm.

LX. Where the Court has ordered or shall order the Sale of any Lease in Perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a Fee Farm under the Renewable Leasehold Conversion Act, and for that Purpose to cause Notice to be given to the Owners or other Person interested in the Reversion, or any Person on behalf of such Owner or other Persons, or any Person deemed Owner under the Provisions of the Leasehold Conversion Act; and the Court may thereupon proceed

proceed to convert such Lease in Perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but the Procedure in relation thereto shall be according to the General Rules and Practice of the said Court; and in case such Conversion shall be ordered the Court shall have Power to convey the Land included in such Lease to the Purchaser, in Fee, subject to the Fee-farm Rent to be ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner of the immediate Reversion expectant on the said Lease in Perpetuity for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances.

LXI. Every such Conveyance executed as aforesaid by the said Judge purporting to pass an Estate in Fee Simple shall be effectual to pass the Fee Simple and Inheritance of the Land, subject to such Charges, Tenancies, Rights of Common or other Easements, Leases, and Under-leases, as may be expressed or referred to therein as aforesaid, but, save as aforesaid, and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment executed by the said Judge upon the Sale of a Lease or Rentcharge, or an Annuity charged on Land, or any partial or lesser Estate than an Estate in Fee Simple, shall be effectual to pass the Estate created or agreed to be created by such Lease, then remaining unexpired, or by the Instrument creating such lesser or partial Estate, Rentcharge, or Annuity, but subject as to such Lease to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and as to such Instrument creating such Rentcharge, Annuity, or partial or lesser Estate, subject to such Tenancies, Rights of Common or other Easements, Leases, and Under-leases, as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid, and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest, Rentcharge, Annuity, or partial or lesser Estate: Provided always, that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof (as the Case may be) shall remain and be charged on and payable out of such Land, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Conveyance of a Lease, Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same.

Conveyance, &c. not to affect certain Charges made by virtue of 5 & 6 Vict. c. 89. and 10 & 11 Vict. c. 32., except where Court think fit to redeem Crown Rents, &c.

LXII. Provided always, That any Conveyance, Assignment, or Declaration of Title under this Act shall not prejudice or affect any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled *An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in* Ireland, and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, save where the said Court shall think fit to redeem or apportion the Crown Rents or Quitrents, or any Part thereof, or to pay off or redeem the Charges under the said Acts or either of them, under the Power hereinafter contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents or Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly: Provided always, that in every Case in which Application shall be made to the Court for the Sale or Conveyance of, or Declaration of Title to, the Fee Simple of any Land or Hereditaments, the Judge, before making any Final Order for such Sale, Conveyance, or Declaration, shall be satisfied that One Calendar Month's previous Notice in Writing of such Application has been given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty or Her Successors, stating full Particulars of the Land or Hereditaments for the Sale or Conveyance of, or Declaration of Title to, which Application has been or is intended to be made, and of any Rent payable to Her Majesty or Her Successors in respect of the same.

Court may order Delivery of Tenants Leases, &c.

LXIII. The Court shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidence of the Tenancies, subject to which the Sale shall be made, affecting the Land, or Part thereof sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all such Lands not in the Occupation of Lessees, Under-lessees, or Tenants, subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money.

LXIV. The Court shall, out of the Purchase Money to be received on any Sale under this Act, where any Sale has been made in any Matter of a Petition filed in the said Court, allow and pay such Costs of and consequential on the Application for the Sale and the Expenses of and incidental to the Sale, according to the Provisions contained in the Twelfth Section of the

the Statute of the Sixteenth and Seventeenth of the Reign of Her Majesty, Chapter Sixty-four, and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affect such Land, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land or Part thereof sold stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out it may, under such Order as aforesaid, be transferred or paid over to the Trustees to be appointed or approved by the Court for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court shall think fit: Provided always, that if by Mistake or otherwise any Purchase Money shall, under the Provisions aforesaid, have been paid to any Person or Persons as being the Person or Persons absolutely entitled thereto when he or they were not so entitled, such Money shall be deemed to have been paid to him or them upon an express Trust to invest the same in the Purchase of Lands to be settled to the Uses and upon the Trusts to and upon which the Lands sold stood limited, settled, and assured at the Time of the Sale.

Court may invest at Instance of Parties for their Benefit.

LXV. Where the Judge shall be of opinion that from the Nature of the Case the Proceedings must be protracted, the Money so paid into the Bank as aforesaid may, by Order of the Court, be invested in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland* in such Manner as shall be directed by any General or Special Order of the Court, and until the same shall be sold by Order of the Court for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen, would have been applicable, the Investments in and Sale of such Stocks, Funds, and Annuities to be made through a Stockbroker or Stockbrokers to be appointed by the Court by General or Special Order, as the Court may think fit.

Where it is expedient to appoint, change, &c. Trustees, Judge to make Orders as to vesting Pro-

LXVI. Whenever in the Course of Proceedings in any Petition Matter pending before the Court it shall appear expedient to appoint, change, or remove Trustees, it shall and may be lawful for the Judge to make such Orders, and give such Directions in reference to such Appointment, Change, or Re-

 removal,

perty in new Trustees, as in 13 & 14 Vict. c. 60. and 15 & 16 Vict. c. 55.

moval, and in reference to the vesting Property in new Trustees, as the Lord High Chancellor is empowered to make under the Authority vested in him for such Purposes by "The Trustee "Act, 1850," and also by another Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act to extend the Provisions of the Trustee Act,* 1850, and by any other Act which may be passed in relation to Trustees.

Court may vest Property in new Trustees.

LXVII. Whenever the Court shall appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Judge to make or to direct to be made such Provision as he shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money.

LXVIII. It shall be lawful for the Court, with the Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, to apportion any Crown Rent upon or amongst the several Lands liable to the Payment thereof, or to charge the whole of any such Rent on any Part of the Lands charged therewith in exoneration of the Remainder of such Lands, and every such Apportionment or exclusive Charge shall be binding on the Queen's Majesty and on every Corporation and Person, and the apportioned Parts of any such Crown Rent, or any such Crown Rent so exclusively charged, shall thenceforth be issuing out of and chargeable upon the Lands whereon the same may be apportioned or exclusively charged, but no such Apportionment or exclusive Charge shall in any Manner prejudice or affect any Reversion or Remainder of the Crown in any Lands originally charged with any such Rent so apportioned or exclusively charged, nor shall the Sale of any apportioned Part of any Crown Rent, or of any Crown Rent so exclusively charged, or of any Interest in the Reversion or Remainder of the Crown in the same Lands, affect the Right or Interest of the Crown in any other Part of the Lands originally charged with any Rent so apportioned or exclusively charged, either as regards the Rent remaining unsold, or the Crown's Interest in the Remainder or Reversion of such Lands or otherwise; and it shall also be lawful for the Court to sell any Land, or Part thereof, discharged from any Crown Rent or Quitrent which it may be enabled, and may, with the Consent of the Owner, think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth and Tenth Years of Her Majesty, or either of them, which it may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court, where it shall think fit, to purchase, with the Consent of the said Commissioners of Woods, any Estate or Interest of the Crown, in remainder or reversion, in the whole

whole or any Part of the Lands for the Sale of or Declaration of Title to which Application has been made, or to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court, where it shall think fit, may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Part thereof from the Sale of which the same shall have arisen.

No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.

LXIX. Provided always, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance otherwise than against the Land, or Part thereof, sold under this Act; and no Payment under this Act for or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

Power to Court to order Money to be paid into Court of Chancery.

LXX. Where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court may think it expedient for the Protection of the Rights and Interests therein, the Court, at its Discretion, may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery, or (where the Case may require) of the High Court of Chancery in *England*, in the Matter of the Parties interested in the same, to be described as the Court shall think fit and direct, in trust to attend the Orders of such Courts respectively, and the Court may by its Order declare

the Trust affecting such Money, Stocks, Funds, or Securities, so far as it may have ascertained the same, or state (for the Information of the respective Courts) the Facts or Matters found by it in relation to the Rights and Interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls, in *England* and *Ireland* respectively, may make such Orders and give such Directions in relation to any such Moneys, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court, as such Court or Judge respectively might make or give in relation to any Trusts, Moneys, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty, "for better securing Trust Funds, and for the Relief of Trustees," or the Act of the Eleventh and Twelfth Year of the Reign of Her Majesty, for extending to *Ireland* the said Act of the Eleventh Year of Her Majesty respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in *Ireland*, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Ushers Poundage.

10 & 11 Vict. c. 96.
11 & 12 Vict. c. 68.

Lands included in different Applications, and different Interests in the same Lands, may be included in the same Sale.

LXXI. Where there shall be separate Applications to the Court for Sales under this Act of any Land and of any Lease in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Application may be made or prosecuted, and of any other Persons whose Consent the Court may under the Circumstances think fit to require in the same Sale, upon such Terms as they think fit, such Land or Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land, and of any Lease in other Land, or if different Lands or Leases in different Lands, it shall be lawful for the Court, where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include, with such Consent as aforesaid, such Land or Lease, or Lands or Leases, in the same Sale, upon such Terms as it may think fit; and where any Land, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Court under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may see fit, in the Sale of the Land

Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land, and the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Judge shall apportion the Purchase Money and Expenses as he shall see fit.

If Land sold be subject to a Lease, &c. comprising other Land, or if Part of Lease in Perpetuity, &c. be sold, Court may apportion the Rent.

LXXII. If any Land to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in Perpetuity or other Lease, it shall be lawful for the Court, where it shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to the Court just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment, and all the Covenants, Conditions, and Agreements of every Lease or Underlease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Application had taken place: Provided always, that the Enactment in this Section shall be deemed to apply to any Rent reserved upon a Lease, where the Court shall have sold or shall sell the Reversion expectant upon such Lease at different Times or in different Lots.

Provisions for Persons under Disability.

LXXIII. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceedings under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of

Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were an Idiot or Lunatic, would be authorized to act for and represent such Person under this Act, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Court may obtain Assistance of Accountants, Merchants, &c.

LXXIV. It shall be lawful for the said Court or any Judges thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine on any Matter at issue in any Case or Proceeding.

Fees to such Accountants, &c.

LXXV. The Allowance in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, or other scientific Persons shall, unless the Court or a Judge shall have given any special Direction in regard of the same, be regulated by the Taxing Officer of the Court, subject to an Appeal to the Judge to whose Court this Matter shall be attached, whose Decision shall be final.

Proceedings not to abate by Death.

LXXVI. Proceedings under this Act shall not abate or be suspended by any Death or Transmission, or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court, where it shall see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings or otherwise in relation thereto, which to it may appear just.

Costs.

LXXVII. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as it shall see fit.

Costs of Petition for a Sale.

LXXVIII. Provided always, That in the Case of any Petition for a Sale the Costs of the Petitioner in respect of such Petition and of any Proceedings thereunder shall not (unless the Judge shall otherwise direct) be payable out of the Proceeds otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner shall be payable; and provided also, that where a Judge shall not order Costs to be paid by

by a Party unsuccessfully making or resisting an Application to the Court, such Judge shall state on the Face of the Order the Reason why such Costs have been withheld.

On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition.

LXXIX. Where an Application shall be made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, the Court on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as it may think fit, and hearing such Parties interested in the respective Shares as may apply to it, and making or causing to be made such Inquiries as may enable it to make a just Partition, may, if it shall think fit, make an Order under its Seal for the Partition of such Land; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land; and the Court shall have the like Authorities, Jurisdiction, and Power in relation to such Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before the Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenants, and after causing to be given such Notices as it may think fit, and hearing such Parties as may apply to it, and making such Inquiries as it may think necessary, to make an Order under its Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and

and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts, under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange.

LXXX. Where an Application shall be made for a Sale under this Act of any Land or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Court by any Party interested in such Land, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land for other Land which the Owner thereof may be willing to give in Exchange, the Court may make or cause to be made such Inquiries as they think fit, for ascertaining whether such Exchange would be beneficial to the Person interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as it may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made by the Court in respect of the Land taken in Exchange for any Land to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Part thereof sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences in the several Cases aforesaid, as if applicable

applicable for a Sale, or the Sale (as the Case may be) had been in respect of the Land taken in Exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act.

LXXXI. It shall be lawful for the Court, on the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in *Ireland* who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Court shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, it shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share, and the Part so allotted in Severalty in respect of such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Use, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act.

LXXXII. It shall be lawful for the Court, upon the Application of the Owner of Lands in *Ireland* not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Land not subject to be sold under this Act.

LXXXIII. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land for any Estate in *Ireland* not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed or divided into Parcels of inconvenient Forms or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient

convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Court may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court shall be of opinion that the proposed Division and Allotment would be beneficial, it shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment, as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Division to be given

LXXXIV. Provided always, That in the Case of Land in which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition, or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Court until such Notices by Advertisement in public Newspaper or Newspapers as the Court shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Court shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charges of the Party so dissenting shall have ceased, or that such Estate or Charges is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment, conclusive.

LXXXV. Every Conveyance, Assignment, and Declaration respectively executed as required by this Act, and every Order for Partition or for Exchange, or for Division and Allotment, made by the Court under its Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and

and done previously to the Execution of such Conveyance, Assignment, or Declaration, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, Declaration, or Order shall be impeached by reason of any Informality therein; and every such Order shall operate, and may be registered in the Office for registering Deeds in *Ireland*, in like Manner as if Conveyances by way of Partition, Exchange, Division, or Allotment had been executed for such Purposes.

Court not to be restrained by Injunction.

LXXXVI. The Court shall not be subject to be restrained in the Execution of its Powers under this Act; nor shall any Person be restrained from making Application under this Act to the Court, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition; nor shall the Court be required by Writ of Mandamus to do any Act or take any Proceedings under this Act; nor shall Proceedings before them be removed by Certiorari; and the Judge of the Court shall not, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter *bonâ fide* done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

Rights of Purchaser against Tenants.

LXXXVII. Where any Conveyance or Assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in *Ireland*, or shall hereafter be made by the Court, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary, in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry for Nonpayment of Rent, or for doing of Waste or other Forfeiture, and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into the Agreement

Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Duty payable on Proceedings.

LXXXVIII. A Duty shall be levied upon every Estate which shall be sold or conveyed under this Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under this Act as aforesaid; and such Duty shall be payable, in the Proportion hereinafter mentioned, according to the Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the *bonâ fide* Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and where there shall be no Sales, the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of *Great Britain* and *Ireland* in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury: The Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of the Estate or Estates which shall form the Subject of each Application to the Court, or Reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such Value shall be less than Ten thousand Pounds, and One Pound upon every Hundred Pounds of such gross Value, where such Value shall amount to Ten thousand Pounds or upwards: Provided that it may be lawful for the Commissioners of the Treasury to lower or raise such Rate of Duty from Time to Time within the Limit of the Rate hereby provided as a Maximum, according as such Rate or substituted Rate shall to them seem sufficient to provide a Fund for the Support of such Court: Provided always, that no such Duty shall be payable in respect of any Property which shall be sold in pursuance of an Order of the Commissioners of the Incumbered Estates Court made before the passing of this Act.

Rate of Duty.

Power to Commissioners of the Treasury to

LXXXIX. 'Whereas it has been found that a large Sum 'in Cash, the Produce of the Sales under the Court for the 'Sale of Incumbered Estates in *Ireland*, has from Time to 'Time

'Time been lying unproductive in the Bank of *Ireland:* And 'whereas there is Reason to expect that a large Sum in Cash, 'the Produce of Sales under the Court hereby constituted, 'will be unproductive, unless the same shall be rendered pro-'fitable in the Manner herein-after provided:' Be it therefore enacted, That it may be lawful for the Commissioners of Her Majesty's Treasury, at their Discretion, to make such Arrangements, from Time to Time, as to them shall seem expedient, for the Investment in Public Funds or in Exchequer Bills or Exchequer Bonds of so much as they may think fit of the Cash, being the Proceeds of Sales lodged in the Bank of *Ireland* under the Provisions of this Act, as in their Opinion, after Reference to and Report from the Judges of the said Court, may not be required to meet the Payments or special Investments which may from Time to Time be ordered by the Court, or, if the said Commissioners shall think fit, it shall be lawful for them, at their Discretion, to make such other Arrangements with the said Bank as they may deem expedient for rendering such Cash, or such Part thereof as aforesaid, productive while deposited in the said Bank; and the Dividends, Interest, or other annual Proceeds derived from such Public Securities, or from any other Arrangements with the said Bank, shall be paid to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided that if at any Time the whole or any Part of the Securities in which such Cash may be so invested shall be wanted to answer any of the Demands of the Parties entitled thereto in the several Matters pending in the said Court, then and in such Case the said Commissioners, on the Certificate from the Court of such Want, may direct such Securities or any Part thereof to be disposed of, in order that such Parties may at all Times be paid the Sums in full to which they may be respectively entitled.

invest unproductive Cash.

XC. Every Person who, upon Examination upon Oath, Affirmation, or Declaration before the Court or any of the Judges thereof, or any Person appointed and authorized under this Act by the Court, or by any General or Special Order thereof, to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Court, shall be liable to the Pains and Penalties of Perjury.

Persons swearing falsely to be punished for Perjury.

XCI. This Act shall, except as far as the special Provisions of the same otherwise require, extend only to *Ireland.*

Act only to extend to Ireland.

SCHE-

SCHEDULE.

SCHEDULE A.

FORMS OF CONVEYANCE on Sales by the Court [*which may be used with such Variations as the Circumstances may appear to the to require*].

I, *A.B.*, One of the Judges of the "Landed Estates Court, Ireland," under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of &c. paid into the Bank of Ireland [*or other Bank, as the Case may be*], to our Account, to the Credit of , do grant unto the said *E.F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E.F.*, his Heirs and Assigns [*or, in the Case of a Chattel Interest in a Lease,* his Executors, Administrators, and Assigns] for ever, [*or* for the unexpired Term created by a certain Lease, *describing the Lease, as the Case may be,*] subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by Reference to a Schedule or otherwise*].

In witness whereof, I, the said *A.B.*, have hereunto set my Hand and the Seal of the said Court, this Day of in the Year of our Lord

A.B.

(*Seal of the Court.*)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form :—

I certify, That the within [*or* above] mentioned Sum of was paid in the Bank of or to the Account and Credit within [*or* above] mentioned, on the Day of

A.B.

(*Seal of the Court.*)

CAP. LXXIII.

An Act to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases. [2d *August* 1858.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Stipendiary Magistrate may do alone all Acts authorized to be done by Two Justices.

I. Every Stipendiary Magistrate appointed for any City, Town, Liberty, Borough, Place, or District, sitting at a Police Court or other Place appointed in that Behalf, shall have Power to do alone any Act, and to exercise alone any Jurisdiction which under any Law now in force, or under any Law not

not containing an express Enactment to the contrary hereafter to be made, may be done or exercised by Two Justices of the Peace, and all the Provisions of any Act of Parliament auxiliary to the Jurisdiction of such Justices shall be applicable also to the Jurisdiction of such Stipendiary Magistrate.

Foregoing Enactment to extend to Acts required to be done at Petty Sessions.

II. The Authority and Jurisdiction given to a Stipendiary Magistrate by the Enactment herein-before contained shall extend and apply as well to the Cases where the Act or Jurisdiction is or hereafter may be expressly required to be done or exercised by Justices sitting or acting in Petty Sessions as to other Cases, and any Enactment authorizing or requiring Persons to be summoned or to appear at such Petty Sessions shall in the like Cases authorize or require Persons to be summoned or to appear before the Stipendiary Magistrate having Jurisdiction at the Police Court or other Place appointed for his sitting.

Saving of Jurisdiction of Quarter Sessions and Special Sessions, and as to Licences.

III. Nothing herein-before contained shall extend to Acts to be done or Jurisdiction to be exercised at the General or Quarter Sessions of the Peace, or to Acts or Jurisdiction expressly required (by any existing or future Law) to be done or exercised at Special Sessions, or to any Act or Jurisdiction in relation to the Grant or Transfer of any Licence.

Saving as to Metropolitan Police Magistrates.

IV. Nothing herein-before contained shall extend, alter, or affect in any Manner the Powers or Authorities of the Magistrates appointed or to be appointed to the Police Courts in the Metropolitan Police District.

As to Extent of Section 22. of 11 & 12 Vict. c. 43.

V. Section Twenty-two of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, shall extend and be deemed to have extended to all Cases in which it is returned to a Warrant of Distress issued under the Authority of such Act for levying any Penalty, Compensation, or Sum of Money adjudged or ordered to be paid by any Conviction or Order that no sufficient Goods of the Party against whom such Warrant was issued can be found, where the Statute on which the Conviction or Order is founded provides no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing Payment of the same, as well as to Cases where the Statute on which the Conviction or Order is founded authorizes the issuing thereon of a Warrant of Distress.

Section 18 of 2 & 3 Vict. c. 71. amended.

VI. So much of Section Eighteen of the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, as makes void (except in the Cases therein excepted) "every Summons or Warrant issued by any "Justice of the Peace of the Counties of *Middlesex*, *Surrey*, "*Kent*, *Essex*, or *Hertfordshire* respectively, requiring any "Person residing within the Metropolitan Police District to "appear at any Place without the said District to answer any "Information or Complaint touching any Matter arising within "the said District," shall not apply to any such Summons or Warrant in respect of any Matter arising within any Part of the

the said District not assigned for the Time being to any of the Police Courts of the Metropolis.

Magistrates acting for Places in the Metropolitan Police District within which no Police Court is established may commit certain Offenders to any Gaol in and for the County, &c. in which Offence shall have been committed.

VII. In every Case in which any Person shall be brought before any Police Magistrate, or any Two Magistrates acting within the said Metropolitan Police District, for any Place within which no Police Court shall have been established, for any Offence under the Twenty-fourth Section of an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, such Police Magistrate, or such Magistrates acting in and for such Place, may hear and determine the Matter, and in case of Conviction may commit the Offender to be imprisoned in any Gaol or House of Correction in and for the County, Liberty, or Place in which such Offence shall have been committed, though not within the said Metropolitan Police District, and with or without Hard Labour, for any Time not exceeding Two Calendar Months, and in their Discretion without the Infliction of any Fine in default of Payment of which such Imprisonment might be adjudged.

Repeal of certain Acts and Parts of Acts herein named.

VIII. 'And whereas an Act was passed in the Fifty-ninth 'Year of King *George* the Third, Chapter Twenty-eight, "to '"empower Magistrates to divide the Court of Quarter '"Sessions," which Act has been amended by Section Four 'of an Act of the Session holden in the Seventh Year of King '*William* the Fourth and the First Year of Her Majesty, 'Chapter Nineteen, and by Section Four of an Act of the 'Session holden in the Fifth and Sixth Years of Her Majesty, 'Chapter Thirty-eight; and it is expedient to make further 'Provision in relation to the Division of Courts of Quarter 'Sessions:'

The said Act of the Fifty-ninth Year of King *George* the Third and the said Sections shall be repealed, but not so as to affect any Orders, Rules, and Regulations made before the passing of this Act.

Power to divide Courts of Quarter Sessions, General Sessions, and adjourned Sessions.

IX. Whenever and so often as any Court of Quarter Sessions or General Sessions or adjourned Quarter Sessions of the Peace is assembled for the Despatch of Business, the Justices then present may, if and when in their Discretion they see fit so to do, appoint Two or more Justices, One of whom shall be of the Quorum, to form a Second Court for the Purpose of hearing and determining such Business as may be referred to them, and the Proceedings by and before such Second Court shall be as good and effectual in the Law, to all Intents and Purposes, as if the same were had before the Court assembled and sitting as usual in its ordinary Place of Sitting, and shall be enrolled and recorded accordingly.

Regulations made for the Apportionment of Business need not be renewed at each Session.

X. When a Second Court is formed as aforesaid, and Orders, Rules, and Regulations have been made for the Apportionment of Business, such Orders, Rules, and Regulations shall continue in force as long as may be thought expedient, without the Necessity of renewing such Orders, Rules, and Regulations at each succeeding Session.

XI. The

XI. The Clerk of the Peace or his Deputy, wherever a Second Court is formed as aforesaid, shall appoint a fit and sufficient Person to record the Proceedings so had before the Justices at such Second Court, and such Proceedings shall be delivered over to the Clerk of the Peace or his Deputy, and shall be deemed to be a Part of the Records of the Session, as if the same Proceedings had been recorded by the Clerk of the Peace himself; and it shall be lawful for the Justices assembled at the Sessions to make an Order upon the Treasurer of the County to pay to the Clerk of the Peace such Sum as they shall deem a fit and reasonable Remuneration to the Clerk of the Peace for such Purpose as aforesaid; and it shall be lawful for such Justices to appoint an additional Crier, and to grant him such Remuneration (to be paid by the Treasurer of the County) as they deem reasonable.

Clerk of the Peace to appoint a Person to record the Proceedings of such separate Court.

XII. Every Sentence pronounced by any Court of General or Quarter Sessions or adjourned Sessions of the Peace shall take effect from the Time of the same being pronounced, unless the Court otherwise directs.

Time from which Sentences of certain Courts shall take effect.

XIII. It shall be lawful for any Stipendiary Magistrate, with the Approval of the Secretary of State for the Home Department, to appoint a Deputy, who shall have practised as a Barrister-at-Law for at least Seven Years, to act for him for any Time or Times not exceeding Six Weeks in any consecutive Period of Twelve Calendar Months; and every Deputy so appointed, during the Time for which he shall be so appointed, shall have all the Powers and perform all the Duties of the Stipendiary Magistrate for whom he shall have been so appointed.

Stipendiary Magistrate may appoint a Deputy, with Approval of Secretary of State.

XIV. It shall be lawful for Her Majesty to appoint any Stipendiary Magistrate acting for any City, Town, Liberty, Borough, or Place in *England* or *Wales* to be a Magistrate of any One of the Police Courts of the Metropolitan Police District, although such Stipendiary Magistrate shall not have practised as a Barrister during at least Seven Years then last past, nor shall have practised as a Barrister for Four Years then last past, having previously practised as a Certificated Special Pleader for Three Years below the Bar.

Power to appoint County Stipendiary Magistrates to be Magistrates of the Metropolitan Police Courts.

XV. This Act shall extend only to *England*.

Extent of Act.

CAP. LXXIV.

An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof.

[2d *August* 1858.]

'WHEREAS under the Provisions of an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, certain Districts are constituted for the Purpose of holding therein County Courts, and such Districts are divided in unequal Numbers among the Sixty Judges of such Courts: And whereas it is expedient that Provision

9 & 10 Vict. c. 95.

'should be made for the better Division of the Business of the 'said Courts among the Judges thereof:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord Chancellor may alter and re-distribute the Districts of the Courts among the Judges thereof.

I. The Nineteenth Section of the said Act is hereby repealed; and it shall be lawful for the Lord Chancellor from Time to Time to alter the Distribution of the Districts among the Judges of County Courts, and for that Purpose to remove any Judge of a County Court from all or any of the Districts of which he is the Judge, for the Purpose of appointing him to any other District or Districts, or to appoint any such Judge to be the Judge of any District or Districts in addition to the District or Districts of which he is the Judge.

Two Persons may be appointed the Judges of One or more Districts.

II. The Lord Chancellor may from Time to Time appoint Two Persons to be the Judges of a District or Districts, and may make such Regulations as to their respective Sittings or otherwise as to the Division of their Duties as he may think right, and each of the Persons when acting as such Judge shall have all such Powers and Authorities as if he had been sole Judge of such District.

Number of Judges not to exceed Sixty.

III. Until Parliament shall otherwise direct, the Judges of the County Courts shall not exceed Sixty in Number.

Rule or Order requiring a Judge or Officer of a County Court to perform certain Duties to be issued only by a Superior Court.

IV. 'Whereas it is desirable that the Powers given by 'Section Forty-three of the Act passed in the Session of 'Parliament holden in the Nineteenth and Twentieth Years of 'the Reign of Her present Majesty, Chapter One hundred and 'eight, to any Superior Court, or a Judge thereof, should be 'exercised only by such Superior Court and not by a single 'Judge:' Be it enacted, That no Rule or Summons requiring a Judge or an Officer of a County Court to show Cause why any Act relating to the Duties of his Office should not be done, nor any Rule or Order directing such Act to be done, shall be issued or made except by the Superior Court, and the said Section Forty-three, and any Provisions of the said Act having reference thereto, shall be read and construed as if the Words "or a Judge thereof" were not inserted in the said Section.

Provision of 17 & 18 Vict. c. 125. as to referring Causes to County Courts, repealed.

V. So much of the Common Law Procedure Act, 1854, as enables any One of Her Majesty's Superior Courts of Common Law at *Westminster*, or any Judge thereof, to refer any Cause to the Judge of any County Court is hereby repealed.

CAP. LXXV.

An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.

[2d *August* 1858.]

7 & 8 Vict. c. 85.

'WHEREAS by the Act passed in the Session of Parliament held in the Seventh and Eighth Years of the 'Reign of Her present Majesty, Chapter Eighty-five, Section 'Six,

'Six, it is enacted, amongst other things, with respect to the 'Cheap Trains thereby required to be provided in certain 'Cases, that the Fare or Charge for each Third-class Passenger 'by any such Train shall not exceed One Penny for each Mile 'travelled: And whereas it is expedient to amend the said Act 'in manner herein-after mentioned: And whereas it is also 'expedient to amend the Act passed in the Ninth Year of the 'Reign of Her present Majesty, Chapter Forty-two, intituled '*An Act to enable Canal Companies to become Carriers of Goods* '*upon their Canals*, by restraining as herein-after mentioned 'the Exercise of certain Powers therein contained:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. c. 42.

I. When the Distance travelled by any Third-class Passenger by any Train run in compliance with the Provisions relating to Cheap Trains contained in the said Act of the Seventh and Eighth of *Victoria*, Chapter Eighty-five, is a Portion of a Mile, and does not amount to One Mile, the Fare for such Portion of a Mile may be One Penny, or when such Distance amounts to One Mile, or Two or more Miles, and a Portion of another Mile, the Fare or Charge for such Portion of a Mile, if the same amounts to or exceeds One Half Mile, may be One Halfpenny: Provided always, that for Children of Three Years and upwards, but under Twelve Years of Age, the Fare or Charge shall not exceed Half the Charge for an adult Passenger.

For Fractions under One Mile, 1*d.* may be charged, and for Fractions exceeding Half a Mile, where the Distance amounts to One Mile or more, ½*d.* may be charged.

II. After the passing of this Act, no Fare heretofore charged to or received from any Third-class Passenger by any such Train as aforesaid shall in any Proceeding to be hereafter instituted be deemed to have exceeded the Rate prescribed in such Case by the said Act of the Seventh and Eighth of *Victoria*, Chapter Eighty-five, if the same shall not have exceeded the Rate of One Farthing for each entire Quarter of a Mile travelled.

Rates heretofore charged not exceeding those allowed by this Clause not to be deemed excessive.

III. Notwithstanding anything contained in the said recited Act of the Ninth Year of Her Majesty, it shall not be lawful for any Canal or Navigation Company, being also a Railway Company, or entitled to work any Railway constructed under the Authority of any Act of Parliament, hereafter to accept a Lease of the whole or any Part of the Undertaking of any other Railway and Canal Company or of any Canal or Navigation Company, or of the Tolls, Dues, or Charges upon or in respect of the whole or any Part of any such Undertaking, except under the Powers of some Act or Acts heretofore passed or to be hereafter passed in which the Parties to any such Lease shall be specifically named and authorized to enter into the same.

Canal Companies, being also Railway Companies, not to take Leases of Canals unless specially authorized.

IV. This Act shall continue in force for One Year next after the passing thereof, and thence to the End of the then next Session of Parliament.

Act to be in force for One Year.

CAP. LXXVI.

An Act to simplify the Forms and diminish the Expense of completing Titles to Land in *Scotland.*

[2d *August* 1858.]

'WHEREAS it is expedient to simplify the Forms and 'diminish the Expense of completing Titles to Land in 'Scotland:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instruments of Sasine no longer necessary, but Conveyances may be recorded instead.

I. From and after the First Day of *October* in the present Year, it shall not be necessary to expede and record an Instrument of Sasine on any Conveyance of Lands, but it shall be competent and sufficient for the Person or Persons in whose Favour the Conveyance is granted, instead of expeding and recording such Instrument of Sasine, to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance, being presented for Registration with a Warrant of Registration thereon, in or as nearly as may be in the Form of Schedule (A.) No. 1. hereto annexed, specifying the Person or Persons on whose Behalf it is so presented, and signed by such Person or Persons, or his or their Agent, and being so recorded along with such Warrant, shall have the same legal Force and Effect in all respects as if the Conveyance so recorded had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Conveyance, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf the Conveyance is presented for Registration.

Not necessary to record the whole Conveyance.

II. Where a Conveyance of Lands shall be contained in a Deed granted for further Purposes and Objects, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record in the appropriate Register of Sasines a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed; and where a Deed conveys separate Lands or separate Interests in the same Lands to the same or different Persons, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which particular Lands are conveyed to the Person or Persons in whose Favour the Notarial Instrument is expede, and the Part of the Deed which specifies the Nature and Extent of the Right and Interest of such Person or Persons, with

with the Real Burdens, Conditions, and Limitations, if any, and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (B.) hereto annexed.

Clause directing Part of Conveyance to be recorded.

III. Immediately before the Testing Clause of any Conveyance it shall be competent to insert a Clause of Direction, in or as nearly as may be in the Form of Schedule (C.) hereto annexed, specifying the Part or Parts of the Conveyance which the Granter thereof desires to be recorded in the Register of Sasines, and when such Clause is so inserted the Keeper of the Register shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause, and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration as before provided, shall have the same legal Force and Effect as if a Notarial Instrument containing such Part or Parts of the Conveyance had been duly expede and recorded in favour of the Party on whose Behalf the Conveyance is presented: Provided always, that, notwithstanding such Clause of Direction, it shall be competent for the Party entitled to present the Conveyance for Registration to record the whole Conveyance, or to expede and record a Notarial Instrument as herein-before provided, in the same Manner as if the Conveyance had contained no such Clause or Direction; and where a Notarial Instrument shall be expede as herein-before provided, no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Instruments of Resignation ad remanentiam no longer necessary, but Conveyances in favour of Superior may be recorded instead.

IV. It shall not be necessary to expede and record an Instrument of Resignation *ad remanentiam* on any Procuratory of Resignation *ad remanentiam*, or on any Conveyance containing an express Clause of Resignation *ad remanentiam*, but it shall be competent and sufficient for the Superior in whose Favour the Resignation under such Procuratory or Conveyance is authorized to be made to record in the appropriate Register of Sasines such Procuratory or Conveyance, with a Warrant of Registration thereon, or to expede and record a Notarial Instrument as nearly as may be in the Form of Schedule (B.); and such Procuratory or Conveyance and Warrant, or such Notarial Instrument, being so recorded, shall have the same Effect as if an Instrument of Resignation *ad remanentiam* had been expede on such Procuratory or Conveyance, and had been recorded in the Register of Sasines, according to the present Law and Practice at the Date of recording such Procuratory or Conveyance or Instrument; and all Instruments of Resignation *ad remanentiam* may be in or as nearly as may be in the Form of Schedule (D.), and when in such Form may be recorded in the appropriate Register of Sasines at any Time during the Life of the Party in whose Favour the Resignation is made, and the Date of Presentment and Entry set forth on any Instrument of Resignation in such Form by the Keeper of the Register shall be the Date of the Resignation and of the Instrument.

Certain Clauses no longer necessary in Conveyances.

V. It shall not be necessary to insert in any Conveyance a Clause of Obligation to infeft or a Precept of Sasine or Warrant for Infeftment; and if the Lands shall be disponed to be holden *a me* only or *a me vel de me,* the Clause so expressing the Manner of holding shall imply that the Lands are to be holden in the Manner expressed in the Act Tenth and Eleventh *Victoria,* Chapter Forty-eight, Section Two, with reference to Obligations to infeft *a me* or *a me vel de me* respectively; and where no holding is expressed the Conveyance shall be held to imply that the Lands are to be holden in the same Manner in which the Grantor of the Conveyance held or might have held the same; and a Clause of Resignation in any Conveyance shall be held to import a Resignation *in favorem* only, unless specially expressed to be a Resignation *ad remanentiam:* Provided always, that nothing herein contained shall prevent an Instrument of Resignation *ad remanentiam* being expede and recorded on a Conveyance heretofore granted, and containing a Clause of Resignation in the Form authorized by the Act of the Tenth and Eleventh *Victoria,* Chapter Forty-eight.

Provision where Lands are held of the Crown, &c., and a Confirmation of a Deed, &c. required.

VI. Where Lands are held of the Crown or Prince and Steward of *Scotland,* and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument recorded in the appropriate Register of Sasines shall be required, it shall be competent to apply to the Presenter of Signatures for a Writ of Confirmation to be written on such Deed or Instrument, instead of a Charter of Confirmation, and such Application shall be made in the same Manner in all respects as when a Charter of Confirmation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Confirmation, he shall direct a Writ of Confirmation in, or as nearly as may be in, the Form of Schedule (E.) to be written on such Deed or Instrument; and such Writ of Confirmation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands contained in the Deed or Instrument confirmed, shall be marked on the Deed or Instrument confirmed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed or Instrument so confirmed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and intituled "The Register of Confirmations and Resignations," the leading Name or Names or other short distinctive Description of the Lands comprehended in the Deed or Instrument confirmed, the Date of recording such Deed or Instrument, the Register in which the same is recorded, the Name of the Party in whose Favour the Writ of Confirmation is granted, the Date

Date of the Confirmation, and also the Name of the last entered Vassal, and the Date of his Entry, and the Deed or Instrument so confirmed shall thereafter be delivered to the Party applying for Confirmation, or his Agent; and the Confirmation so granted shall in all respects be as effectual as a Charter of Confirmation according to the present Law and Practice, and shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed, in order to complete the Investiture of the Party obtaining the Confirmation.

Provision when Lands are held of a Subject Superior, and a Confirmation of a Deed, &c. required.

VII. Where Lands are held of a Subject Superior, and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument recorded as aforesaid shall be required, it shall be competent for the Superior to confirm such Deed or Instrument by a Writ of Confirmation to be written upon such Deed or Instrument as nearly as may be in the Form of Schedule (E.), and the Confirmation so granted shall be to all Intents and Purposes as effectual as a Charter of Confirmation according to the present Law and Practice, and the Superior shall be bound so to confirm such Deed or Instrument, if required so to do: Provided always, that the Party requiring such Confirmation shall be entitled to demand an Entry by Confirmation, and shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands contained in such Deed or Instrument, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Confirmation so granted shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Confirmation.

Provision where Lands are held of the Crown, &c., and a new Investiture by Registration, &c. required.

VIII. Where Lands are held of the Crown or Prince and Steward of *Scotland*, and a new Investiture by Resignation shall be required, it shall be competent for the Party in right of the Deed which is the Warrant for Resignation to apply to the Presenter of Signatures for a Writ of Resignation, to be written on such Deed, instead of a Charter of Resignation; and the Application shall be made in the same Manner in all respects as when a Charter of Resignation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Resignation, he shall direct a Writ of Resignation, in or as nearly as may be in the Form of Schedule (F.), to be written on the Deed which is the Warrant for Resignation; and the Writ of Resignation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands resigned, shall be marked on the Deed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed shall be officially transmitted to the Director of

of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in "The Register of Confirmations and Resignations," the leading Name or Names or other short distinctive Description of the Lands resigned, the Name of the Party in whose Favour the Writ is granted, the Date of the Writ, and also the Name of the last entered Vassal, and the Date of his Entry; and the Deed shall thereafter be delivered to the Party applying for the same, or his Agent, and the Deed, with the Writ of Resignation so written upon it, shall in all respects be as effectual as if a Charter of Resignation of the Lands had been duly obtained according to the present Law and Practice, and shall, to all Intents and Purposes, operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining such Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed, with the Writ of Resignation written thereon, and Warrant of Registration also written thereon, and the recording of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording such Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall not have the Effect of an Instrument of Sasine following on such Deed.

Provision when Lands are held of a Subject Superior, and a new Investiture by Resignation, &c. required.

IX. Where Lands are held of a Subject Superior, and a new Investiture by Resignation shall be required, it shall be competent for the Superior to grant in favour of the Party in right of the Deed which is the Warrant for Resignation a Writ of Resignation as nearly as may be in the Form of Schedule (F.), which shall be written on such Deed, and the Deed with the Writ of Resignation written thereon shall be to all Intents and Purposes as effectual as if a Charter of Resignation had been granted in the usual Form, according to the present Law and Practice, and the Superior shall be bound to grant such Writ of Resignation instead of a Charter of Resignation, if required so to do: Provided always, that the Party requiring such Writ shall be entitled to demand an Entry by Resignation, and shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands resigned, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Writ of Resignation shall to all Intents and Purposes operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed with the Writ of Resignation written thereon, and Warrant of Registration also written thereon, and the recording of

of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall have the Effect of an Instrument of Sasine following on such Deed.

X. In granting Charters of Confirmation or Resignation or other Charters by Progress it shall be competent and sufficient to refer to the Tenendas and Reddendo of the Lands therein contained, as set forth at Length in any Charter or other Writ recorded in any Public Register, and Subject Superiors shall be bound, if required, to grant such Charters containing such Reference, in like Manner as they are now bound to grant similar Charters according to the Forms at present in use.

As to Charters by Progress.

XI. Where, according to the present Law and Practice, Precepts from Chancery or Precepts of Clare constat are in use to be granted, it shall be competent and sufficient to grant a Writ of Clare constat in or as nearly as may be in the Form of Schedule (G.), and to record such Writ of Clare constat with the Warrant of Registration thereon in the appropriate Register of Sasines, and the same being so recorded shall have the same legal Force and Effect in all respects as if a Precept from Chancery or Precept of Clare constat had been granted, and an Instrument of Sasine thereon had been duly expede and recorded at the Date of recording the said Writ, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf such Writ is presented for Registration; and Superiors shall be bound to grant such Writs of Clare constat, if required by the Heir entitled to demand the same: Provided always, that the Heir shall, if required, produce a Charter or other Writ showing the Tenendas and Reddendo of the Lands in which his Ancestor died vest, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and where the Lands are held of the Crown or of the Prince and Steward of *Scotland*, or where the Heir is required by the Superior, he shall also produce a Decree of General or of Special Service establishing his Right to succeed to the Lands; and where the Lands are held of the Crown or Prince and Steward of *Scotland*, the Application for such Writ of Clare constat shall be made in the same Manner in all respects as when a Precept from Chancery is now applied for; and such Writ of Clare constat shall be recorded in Chancery as Precepts are now in use to be recorded, and all Precepts from Chancery, Precepts and Writs of Clare constat, shall operate as a Confirmation of the whole Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Parties obtaining such Precepts or Writs.

As to Writs of Clare constat.

XII. Where

As to Notarial Instruments in favour of General Disponees.

XII. Where a Party shall have granted or shall grant a General Conveyance of his Lands, whether by Deed *mortis causâ* or *inter vivos*, it shall be competent to the Disponee under such Conveyance, or to any other Party who shall have acquired Right to such Conveyance, in whole or in part, by Service, Assignation, Adjudication, or otherwise, to expede and record a Notarial Instrument in or as nearly as may be in the Form of Schedule (H.); and on such Notarial Instrument being duly recorded in the appropriate Register of Sasines, such Disponee or such other Party acquiring Right as aforesaid shall be in all respects in the same Position as if a Disposition had been executed by the Grantor of the General Conveyance, in favour of the Party expeding the Notarial Instrument, of the Lands contained in such Notarial Instrument, with such Manner of holding, if any, as is expressed in the General Conveyance, and if no particular Manner of holding is therein expressed, then to be holden in the same Manner as the Grantor of the General Conveyance held or might have held the same, and as if such Disposition had been followed by an Instrument of Sasine of the said Lands in his Favour, duly expede and recorded at the Date of recording such Notarial Instrument, according to the present Law and Practice, except in the Case where the Subjects contained in such Notarial Instrument are Heritable Securities, in which Case the Party so expeding and recording the Instrument shall be in the same Position as if an Assignation of such Heritable Securities had been executed in his Favour by the Grantor of the General Conveyance, and as if such Assignation had been duly recorded in the appropriate Register of Sasines, at the Date of recording such Notarial Instrument: Provided always, that where such Notarial Instrument shall be expede by a Party other than the original Disponee under such General Conveyance, the Notarial Instrument shall set forth the Title or Series of Titles by which the Party in whose Favour the Instrument is expede acquired Right to such Conveyance, and the Nature and Extent of his Right.

As to Assignations to unrecorded Conveyances.

XIII. It shall be competent to any Party, in right of an unrecorded Conveyance, to assign the Conveyance in or as nearly as may be in the Form of Schedule (I.), No. 1., and the Assignation, or, in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines along with the Conveyance itself, and a Warrant of Registration thereon, in or as nearly as may be in the Form of Schedule (A.), No. 2., and it shall be competent to write the Assignation or Assignations on the Conveyance itself in or as nearly as may be in the Form of Schedule (I.), No. 2.; and the Conveyance, with such Warrant of Registration, along with the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or, if there be more than One,

One, the last Assignation, had been disponed by the original Conveyance in favour of such Assignee, and the Conveyance, with the Warrant of Registration, had been recorded in the Manner herein-before provided of the Date of recording such Conveyance and Assignation or Assignations.

As to Notarial Instruments in favour of Parties acquiring Rights to unrecorded Conveyances.

XIV. Where any Party shall have acquired Right by General Conveyance, Service, Assignation, Adjudication, or otherwise, to an unrecorded Conveyance, granted in favour of another Person, it shall be competent to such Party to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (K.), setting forth the Conveyance and the Title or Series of Titles by which he acquired Right to the same, and the Nature and Extent of his Right, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines, or where it is not desired to record the whole of the Conveyance it shall be competent to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (B.), setting forth generally the Nature of the Deed, and containing at Length those Portions of the Deed by which the Lands in regard to which the said Instrument is expede are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed, and also setting forth the Title or Series of Titles by which the Party acquired Right to the Conveyance, and the Nature and Extent of his Right, and to record such Notarial Instrument in the appropriate Register of Sasines; and on the Conveyance, with a Warrant of Registration thereon, along with such Notarial Instrument in the Form of the said Schedule (K.), or on such Notarial Instrument in the Form of the said Schedule (B.) being so recorded, the Party expeding the Instrument shall be in the same Position as if the original Conveyance had been granted to himself, and along with a Warrant of Registration thereon had been recorded in the Manner herein-before provided of the Date of recording the Notarial Instrument.

Particular Description of Lands contained in prior recorded Deeds may be referred to, &c.

XV. Where Lands have been particularly described in any prior Conveyance, or other Writ, duly recorded in the appropriate Register of Sasines, it shall not be necessary, in any subsequent Conveyance or Writ containing or referring to the whole or any Part of such Lands, to repeat the particular Description of the Lands at Length, but it shall be sufficient to specify the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and Parish or supposed Parish, and to refer to the particular Description contained in the prior Conveyance or other Writ so recorded, in or as nearly as may be in the Manner set forth in Schedule (L.), No. 1.; and the Specification and Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance or other Writ so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance or other Writ;

Writ; and in any other subsequent Conveyance or Writ it shall be competent and sufficient to use such leading Name or Names or short distinctive Description, with the Addition of the Name of the County and Parish or supposed Parish, and to make Reference to the Conveyance or Writ in which such leading Name or Names or short distinctive Description shall have been so specified, without again referring to the several Conveyances or other Writs containing the particular Description of such Lands; and in such Case the Use of such leading Name or Names or short distinctive Description, with the Addition and Reference before provided, shall be held to be equivalent to the full Insertion of the particular Description contained in the several Conveyances or other Writs recorded and specified as aforesaid.

Several Lands conveyed by the same Deed may be comprehended under One general Name.

XVI. Where several Lands are comprehended in One Conveyance in favour of the same Person or Persons, it shall be competent to insert a Clause in the Conveyance declaring that the whole Lands conveyed, and therein particularly described, shall be designed and known in future by One general Name to be therein specified; and on the Conveyance containing such Clause being duly recorded in the appropriate Register of Sasines, it shall be competent in all subsequent Conveyances or other Writs to use the general Name specified in such Clause as the Name of the several Lands declared by such Clause to be comprehended under it, and a Conveyance of such several Lands under the general Name so specified shall be as effectual in all respects as if the Conveyance contained a particular Description of each of such several Lands: Provided always, that Reference be made in such Conveyances and Instruments of Sasine and Notarial Instruments to a prior recorded Conveyance or Instrument of Sasine or Notarial Instrument or other Writ in which such Clause and Description are contained; provided also, that it shall not be necessary in such Clause to comprehend under One general Name the whole Lands contained in the Conveyance in which such Clause is inserted, but that it shall be competent to comprehend certain Lands under One general Name, and certain other Lands under another general Name, it being clearly specified what Lands are comprehended under each general Name; and such Clause of Reference shall be in or as nearly as may be in the Terms set forth in Schedule (L.), No. 2., hereto annexed.

Destinations in Entails may be referred to.

XVII. Where Lands are or shall hereafter be held under a Deed of Entail it shall not be necessary to repeat the Destination contained in such Entail at Length in the Conveyances, Instruments of Sasine, Notarial Instruments, or other Writs necessary to transmit, renew, or complete a Title under such Entail, but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, Notarial Instrument, or other Writ duly recorded in

in the appropriate Register of Sasines forming Part of the Progress of Title Deeds of the Lands comprehended under the said Entail, such Reference being made in the Terms or as nearly as may be in the Terms set forth in Schedule (L.), No. 3., hereto annexed; and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Deed, Instrument, or other Writ referred to had been inserted at Length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther.

Certain Clauses in Entails no longer necessary.

XVIII. Where a Deed of Entail contains an express Clause authorizing Registration of the Deed in the Register of Tailzies it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIX. All Conveyances and Procuratories of Resignation *ad remanentiam*, with Warrants of Registration written thereon, and all Notarial Instruments and Instruments of Resignation *ad remanentiam*, hereby authorized to be recorded in the Register of Sasines, may be recorded at any Time in the Life of the Party on whose Behalf the same shall be presented for Registration in the same Manner as Instruments of Sasine are recorded, and the Keepers of such Register are hereby authorized and required to record the same accordingly, when presented for that Purpose; and the Date of Entry in the Minute Book shall be held to be the Date of Registration, and the Date of Registration of all such Conveyances, Procuratories of Resignation *ad remanentiam*, Notarial Instruments, and Instruments of Resignation *ad remanentiam*, shall be equivalent to the Date of Registration of Instruments of Sasine and Instruments of Resignation *ad remanentiam* according to the existing Law and Practice; and Extracts of all such Conveyances, Procuratories of Resignation, Warrants of Registration, Notarial Instruments, and Instruments of Resignation *ad remanentiam* so recorded shall make faith in all Cases in like Manner as the recorded Conveyances, Procuratories, Warrants, and Instruments themselves, except where any such Conveyance, Procuratory, Warrant, or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XX. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Land Rights by the Forms in use prior to the passing of this Act.

XXI. Where

Mode of completing Title by a Judicial Factor.

XXI. Where a Judicial Factor or other Judicial Manager shall apply by Petition for Authority to complete a Title to any Lands forming Part of the Estate under his Management, and where the Petition shall specify the Lands to which such Title is to be completed, the Warrant granted for completing such Title shall also specify the Lands to which such Title is to be completed, and such Warrant shall have the legal Operation and Effect of a Disposition of the Lands in favour of such Judicial Factor or Manager from the Party whose Estate is under Judicial Management, to be holden in the same Manner as such Party held or might have held the same, except in the Case where the Subjects contained in such Warrant shall be Heritable Securities, in which Case such Judicial Factor or Manager on recording such Warrant in the appropriate Register of Sasines shall be in the same Position as if such Party had granted in his Favour an Assignation of such Heritable Securities, and as if such Assignation had been recorded in the appropriate Register of Sasines at the Date of recording such Warrant.

Mode of completing Title by a Trustee in Sequestration, and by Liquidators of Joint Stock Companies.

XXII. It shall be competent to a Trustee on a sequestrated Estate, or to Liquidators, official or voluntary, appointed for the Purpose of winding up a Joint Stock Company, to expede a Notarial Instrument, setting forth the Act and Warrant of Confirmation in favour of such Trustee, or the Appointment of such Liquidators, official or voluntary, respectively, and specifying the Lands belonging to the Bankrupt or Company, to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt or Company, in or as nearly as may be in the Form of Schedule (M.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines, and on such Notarial Instrument being so recorded such Trustee or such Liquidators shall be held to be in all respects in the same Position as if the Bankrupt or Company had granted a Conveyance of the Lands contained in the Notarial Instrument in favour of such Trustee or such Liquidators, to be holden in the same Manner as the Bankrupt or the Company held or might have held the same, and as if such Conveyance had been followed by an Instrumeut of Sasine of said Lands in favour of such Trustee or of such Liquidators, duly expede and recorded at the Date of recording such Notarial Instrument, except in the Case where the Subjects contained in such Notarial Instrument are Heritable Securities, in which Case such Trustee or such Liquidators, on recording the Instrument in the appropriate Register of Sasines, shall be in the same Position as if an Assignation of such Heritable Securities had been granted in favour of such Trustee by the Bankrupt or in favour of such Liquidators by the Company, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of recording such Notarial Instrument.

Mode of relinquishing Superiorities.

XXIII. In order to facilitate the extinguishing of Mid-superiorities not defeasible by the Vassal it shall be competent to

to any Subject Superior, whether himself entered with his Superior or not, to relinquish his Right of Superiority in favour of his immediate Vassal, by granting a Deed of Relinquishment in the Form and as nearly as may be in the Terms of Schedule (N, No. 1.) hereto annexed; and on the Deed of Relinquishment being accepted by the Vassal by an Acceptance written on such Deed in the Terms set forth in the Schedule (N, No. 2.) hereto annexed, and being followed by a Writ of Investiture by the Oversuperior as herein-after provided, also written upon the Deed of Relinquishment, and on such Deed with the Acceptance and Writ of Investiture written thereon being thereafter recorded in the appropriate Register of Sasines, the Superiority so relinquished shall be held to be extinguished, and the Vassal and his Successors in the Lands shall hold the same as immediate Vassals of the Oversuperior by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, and the Vassal and his foresaids shall be entitled to apply for an Entry to such Oversuperior accordingly as his immediate Superior; and such Relinquishment by a Superior who shall not have completed his Title to the Superiority relinquished shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price or Consideration, if any, which he may receive for such Relinquishment.

Investiture by Oversuperior.

XXIV. On the Application of the Vassal in the relinquished Superiority, and on Production by him of the Deed of Relinquishment, and Acceptance thereof, and on his paying or tendering such Duties and Casualties as may be exigible by the Oversuperior, the Oversuperior shall be bound to receive the Vassal as his immediate Vassal by Writ of Investiture in or as nearly as may be in the Form of the Schedule (N, No. 3.) to be written on the Deed of Relinquishment, and the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted therein in room of those contained in the former Investiture held under the relinquished Superiority; and where the Lands are held of the Crown or of the Prince and Steward of *Scotland* such Writ of Investiture shall be obtained from the Presenter of Signatures in the same Manner as is herein-before directed in regard to Confirmations written on the Deeds confirmed: Provided always, that the Party applying for such Writ of Investiture shall lodge or cause to be lodged in the Office of the Presenter of Signatures a Draft of the proposed Writ, in the same Manner as when a Crown Charter or Precept is now applied for; and the Deed of Relinquishment, with the Acceptance and Writ of Investiture thereon, shall be officially transmitted to the Director of Chancery, and recorded in the same Manner in which Crown Charters are now in use to be recorded, and shall thereafter be delivered to the Vassal or his Agent on Payment of the same Fees as are now payable for recording a Charter in Chancery; and the Investiture

completed upon such Relinquishment of the Superiority shall be as effectual as if the Granter of the Deed of Relinquishment had completed his Title to the Superiority, and had thereafter conveyed the same to the Vassal, and the latter, after having completed his Titles under the Oversuperior, had resigned *ad remanentiam* in his own Hands: Provided always, that the Investiture so completed shall not in any respect extend the Rights or Interests of such Oversuperior, and that he shall be entitled to no more than the Duties and Casualties, taxed or untaxed, to which he would have been entitled if the Granter of the Deed of Relinquishment had remained his Vassal.

Application of Price of entailed Superiorities.

XXV. Where the Right of Superiority so relinquished shall form Part of an Estate held under a Deed of strict Entail, such Relinquishment shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding; and the Price agreed to be paid for such Superiority so relinquished, if any, shall be consigned by the Vassal in One of the Chartered Banks in *Scotland,* subject to the Orders of the Court of Session, and shall be applicable and applied in such and the like Manner and to such and the like Purposes as Purchase Money or Compensation coming to Parties having limited Interests is made applicable, under the Lands Clauses Consolidation (*Scotland*) Act, 1845, or under the Act of the Eleventh and Twelfth *Victoria,* Chapter Thirty-six, intituled *An Act for the Amendment of the Law of Entail in* Scotland, or under an Act of the Sixteenth and Seventeenth *Victoria,* Chapter Ninety-four, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty for the Amendment of the Law of Entail in* Scotland; and for that Purpose it shall be competent to the Heir of Entail in possession to present a summary Petition to the Court of Session, praying to have the Price so applied, and such Petition shall set forth the Names, Designations, and Places of Abode of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail; and on such Petition being served on such Parties, and being intimated in the Minute Book and on the Walls in common Form, it shall be competent for the Court to direct the Price to be applied to such of the said Purposes as may appear to them to be most expedient: Provided always, that where the Sums agreed to be paid for all the Superiorities which form Part of an entailed Estate shall not exceed the Sum of Two hundred Pounds such Sums shall belong to the Heir in possession, and the Court shall direct such Sums to be paid to him: Provided also, that the Price of such Superiorities may be applied by the Heir in possession to such Purposes and in such Manner as may be authorized by any Private Act of Parliament authorizing the Sale of the entailed Estate or any Portion thereof, and the Application of the Price thereof.

XXVI. Where

XXVI. Where the Lands of which the Superiority is so relinquished shall be held by the Vassal under a Deed of strict Entail, the Vassal in such Lands shall be entitled and he is hereby authorized to grant a Bond and Disposition in Security over the entailed Estate for the full Amount of the Price paid for the relinquished Superiority, together with all Expenses incurred in the relative Proceedings, including the estimated Expense of such Bond and Disposition in Security, and his granting such Bond and Disposition in Security shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding: Provided always, that such Bond and Disposition in Security shall be granted with the Consent of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail of the Lands, or under the Authority of a Judicial Warrant or Decree of the Court of Session pronounced on a summary Petition by the Heir of Entail in possession praying for such Warrant; and the Proceedings under such Petition shall be the same or as nearly as may be the same as the Proceedings under a Petition to charge an entailed Estate with Provisions to younger Children, as authorized by the said Acts of the Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four: Provided always, that it shall not be necessary that such Petition should be publicly advertised in the Gazette or any Newspaper, but that Service and Intimation only shall be made in common Form.

Price of Superiorities of entailed Lands may be charged on the entailed Estate.

XXVII. In Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, it shall not be necessary to raise a separate Summons of Constitution and a separate Summons of Adjudication, but both Actions may be combined in One Summons, whether the Heir renounce the Succession or not; and Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation, for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of Six Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding; and in all such Cases a Decree of Adjudication shall be held equivalent to and shall have the legal Operation and Effect of a Conveyance from such Ancestor of the Lands adjudged in favour of the Adjudger, to be holden in the same Manner as the Ancestor held or might have held the same, except in the Case where the Subjects contained in the Decree of Adjudication are Heritable Securities, in which Case the Adjudger or other Party in right of the Decree on recording the Decree in the appropriate Register of Sasines shall

Diligence against Apparent Heirs.

shall be in the same Position as if an Assignation of such Heritable Securities had been granted in his Favour by the Ancestor whose Estate is adjudged, and as if such Assignation had been duly recorded in the appropriate Register of Sasines at the Date of recording such Decree; but the Right of the Superior to the Composition payable by an Adjudger as due under the existing Law is hereby reserved entire, and the Adjudger by recording the Decreet of Adjudication in the Register of Sasines, and such Adjudger or any Person in his Right by expeding and recording in such Register a Notarial Instrument proceeding on such Decreet, with or without any connecting Title, in virtue of this Act, shall become indebted in such Composition to the Superior, and shall be bound to pay the same on the Superior tendering a Charter of Confirmation, whether such Charter shall be accepted or not, and the Superior shall be entitled to recover such Composition as accords of Law.

Prohibition against Subinfeudation not to be affected.

XXVIII. Where the Investiture of any Lands has imposed or shall impose a Prohibition against Subinfeudation or against alternative holding, nothing contained in this Act shall operate to authorize Subinfeudation or an alternative holding in respect to such Lands; and nothing in this Act contained shall be construed to take away or impair any of the Rights or Remedies competent to a Superior against his Vassal lying out unentered.

Obligations appointed to be inserted in Instruments of Sasine shall be inserted in Notarial Instruments.

XXIX. Where any Obligation, Burden, Condition, Qualification, or other Matter has been or shall be appointed to be inserted or referred to in the Instruments of Sasine or of Resignation *ad remanentiam* applicable to any Lands, such Obligation, Burden, Condition, Qualification, or other Matter shall be inserted or referred to in any Notarial Instrument applicable to such Lands to be expede in virtue of this Act.

Case of Party where Domicile is unknown.

XXX. Where a General Service only is intended to be carried through by an Heir, it shall not be necessary, if the Deceased died upwards of Forty Years prior to the Date of presenting the Petition for General Service as Heir to him, to state or prove the County within which the Deceased had his ordinary or principal Domicile at the Time of his Death, or that such Domicile was furth of *Scotland;* but in such Cases it shall be sufficient (so far as regards the Domicile of the Deceased) for the Heir to state in his Petition, and if required in the Court of Service to make Oath, that he is unable to prove at what Place the Deceased had his ordinary or principal Domicile at the Time of his Death: Provided always, that in every such Case the Petition for General Service as Heir to the Deceased shall be dealt with, and all relative Procedure shall be regulated, in or as nearly as may be in the same Manner as if it had been proved that the Deceased had at the Time of his Death his ordinary or principal Domicile furth of *Scotland.*

Power to record of new the Conveyance, &c., with the Original, or a

XXXI. In case of any Error or Defect in any Notarial Instrument expede in virtue of the Act Eighth and Ninth *Victoria,* Chapter Thirty-five, or in any Notarial Instrument to be expede in virtue of that Act or of the present Act, or in the

the recording of any such Instrument, or of any Instrument of Resignation *ad remanentiam*, or in the recording of any Conveyance or Procuratory of Resignation *ad remanentiam*, or Warrant of Registration to be recorded in the Register of Sasines in virtue of the present Act, it shall be competent of new to make and record a Notarial Instrument or Instrument of Resignation, or of new to record the Conveyance or Procuratory of Resignation with the original or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument or Instrument of Resignation so expede and recorded, or such Conveyance or Procuratory of Resignation so of new recorded with the original or new Warrant of Registration, as the Case may require, shall from the Date of recording thereof have the same Effect as if no previous Notarial Instrument or Instrument of Resignation had been expede or recorded, or as if such Conveyance or Procuratory of Resignation and original Warrant of Registration had not been previously recorded.

new Warrant of Registration, &c.

XXXII. It shall not be necessary to append the Seal appointed by the Treaty of Union to be kept and used in *Scotland*, in place of the Great Seal thereof formerly in use, to any Charter from Her Majesty or Her Royal Successors, or the Seal of His Royal Highness the Prince and Steward of *Scotland* to any Charter from His Royal Highness or His Royal Successors, unless the Receivers of such Charters shall require the appropriate Seal to be appended; and in framing such Charters hereafter the Statement with reference to the Seal "that the same is accordingly appended" now in use to be inserted in the Testing Clause shall be omitted, except in Cases where the Seal is actually appended; and such Charters shall be in all respects as valid and effectual without the Seal as if the same had been appended thereto.

Not necessary to append Seal to Crown Charters.

XXXIII. The Act of the Sixth and Seventh of His late Majesty King *William* the Fourth, Chapter Thirty-three, intituled *An Act to amend and regulate the Law of* Scotland *as to Erasures in Instruments of Sasine and of Resignation* ad remanentiam, shall extend and be applicable to Notarial Instruments, and Instruments of Resignation *ad remanentiam* authorized by this Act, and to Notarial Instruments expede and to be expede under the Act of Eighth and Ninth of *Victoria*, Chapter Thirty-one.

Recorded Instruments not to be challenged on the Ground of Erasures.

XXXIV. All Deeds, Writs, and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or engraved: Provided always, that in the Testing Clause the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed or Instrument, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed, Writ, or Instrument, and of the written Portions of the Testing Clause, shall be expressed at Length in Writing; and such

Deeds and Instruments may be partly written and partly printed or engraved.

Deeds, Writs, and Instruments shall be valid and effectual in the same Manner as if they had been wholly in Writing.

Extent of Act.

XXXV. This Act shall not extend or apply to the Titles of Lands held by Burgage Tenure, or by any similar Mode of Tenure known and effectual in Law.

Interpretation of Terms.

XXXVI. The following Words in this Act and in the Schedules annexed to this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include Original Charters, Charters and Writs of Resignation, Charters of Adjudication and of Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale and of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decrees by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed, and official Extracts of any such Deeds, Conveyances, and Decrees, and all Codicils, Deeds of Nomination, Decrees of Declarator, and other Writings bearing Reference to Conveyances separately granted, and naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Conveyances, shall be deemed and taken for the Purposes of this Act to be Parts of the Conveyances to which they separately bear Reference; the Word "Lands" shall extend to and include Lands, Houses, Teinds, Fishings, Patronages, Mills, Mines, Minerals, and in general all Heritable Subjects, Securities, and Rights; the Word "Instrument" shall extend to and include all Notarial Instruments authorized by this Act, and also Instruments of Sasine; the Words "Notarial Instruments" shall include only the Notarial Instruments authorized by this Act.

Short Title.

XXXVII. This Act may be cited for all Purposes as "The Titles to Land (*Scotland*) Act, 1858."

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration to be written on a Conveyance when presented without Assignation apart or Notarial Instrument.

Register on behalf of *A.B.* (*insert Designation*) [*or* Register, &c. along with Assignation (*or* Assignations) (*or* Writ of Resignation) hereon] (*or otherwise, as the Case may be*).

(Signed) *A.B.*

[*or*] *C.D.*, W.S., Edinburgh,

(*or, as the Case may be,*) Agent of the said *A.B.*

No. 2.

No. 2.

Warrant of Registration to be written on a Conveyance when presented with Assignation apart or Notarial Instrument.

Register on behalf of *A.B.* (*insert Designation*) along with the Assignation [*or* Assignations *or* Notarial Instrument] docketed with reference hereto (*or otherwise, as the Case may be*).

(Signed) *A.B.*

[*or*] *C.D.*, W.S., Edinburgh,

(*or, as the Case may be,*) Agent of the said *A.B.*

SCHEDULE (B.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

At there was by [*or* on behalf of] *A.B* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be,*] granted by *C.D* of *Y.*, Esquire, and bearing Date [*insert the Date*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be,* to the said *A.B*] [*or* to *E F.*], and his Heirs and Assignees [*insert the Destination, if any,*] heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be,*] all and whole [*here insert the Description of the Subjects conveyed; and if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here*], "but always under the "Burden of a Real Lien," *&c.* [*as the Case may be*]. [*If the Party expeding the Instrument be other than the original Disponee, add*] as also there was presented to me [*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right*], whereupon this Instrument is taken by the said *A.B.* in the Hands of *G.H.* [*insert Name and Designation of Notary Public*], in the Terms of "The Titles to Land (Scotland) Act, 1858." In witness whereof [*here insert a Testing Clause, as in Instrument of Sasine*].

(Signed) *G.H.*,

I.K. Witness. Notary Public.

L.M. Witness.

SCHEDULE (C.)

Clause of Direction specifying Part of Deed which Grantor desires to be recorded.

And I direct to be recorded in the Register of Sasines the Part of this Deed from its Commencement to the Words (*insert Words*) on the Line of the Page [and also the Part from the Words (*insert Words*) on the Line of the Page to the Words (*insert Words*) on the Line of the Page] [*or*, I direct the whole of this Deed

to be recorded in the Register of Sasines with the Exception of the Part] [*or* Parts, *as the Case may be, specifying the Part or Parts excepted, as above*].

SCHEDULE (D.)

Instrument of Resignation ad remanentiam.

At there was by [*or*, on behalf of,] *A.B.* [*here insert the Name and Designation of the Superior*] presented to me, Notary Public subscribing, a Disposition, dated the Day of , granted by *C.D.*, [*here insert the Name and Designation of the Vassal,*] being the Vassal in the Lands after described, holding the same of the said *A.B.* as his Superior thereof, by which Disposition the said *C.D.* disponed to the said *A.B.*, and his Heirs and Assignees whomsoever, [*or, as the Case may be,*] all and whole [*here insert Description of the Lands*]: In virtue of which Disposition the said Lands were resigned in the Hands of the said *A.B.* [*or*, " in the Hands of *E.F.*, as his Commissioner, duly authorized,] " conform to Commission" [*describe by Date and other Particulars* " as in the Hands of the said *A.B.* himself"] [*or*, " in " the Hands of *E.F.*, being the known Agent of the said *A.B.*, " and as such duly authorized, in virtue of the Act of the " Eighth and Ninth Years of the Reign of Her Majesty Queen " Victoria, Chapter Thirty-five, intituled ' An Act to simplify " ' the Form and diminish the Expense of obtaining Infeftment " ' in Heritable Property in Scotland,' as in the Hands of the " said *A.B.* himself,"] ad perpetuam remanentiam, and to the Effect that the Right of Property of the foresaid Lands and others might be united and consolidated with the Right of Superiority of the same in the Person of the said *A.B.* in all Time coming: Whereupon this Instrument is taken by [*or* " on " behalf of] the said *A.B.* and *C.D.*," in the Hands of me, *&c.*, as in Schedule (B.)

SCHEDULE (E.)

Crown Writ of Confirmation.

Victoria, *&c.* We confirm this Deed [*or* Decree, *or* Instrument, *or otherwise, as the Case may be,*] in favour of *C.D.*, but only in so far as consistent with the [*here specify a Charter or other Writ, containing the Tenendas and Reddendo, &c.*], and with Our own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ, specify it here.*] Given at Edinburgh, the Day of in the Year

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Confirmation is to be granted by or on behalf of the Prince or Steward of Scotland, His Highness' other Titles need not be added.

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SCHEDULE (F.)

Crown Writ of Resignation.

Victoria, *&c.* We, in respect of the within Clause of Resignation, dispone to *C.D.* the Lands contained in this Deed in his Favour [*or* in favour of *A.B., or otherwise, as the Case may be, specifying shortly the connecting Title*], but only in so far as consistent with the [*here specify a Charter or other Writ containing the Tenendas and Reddendo, &c.*] and with Our own Rights. [*If the Reddendo is to be different from that in the Charter or other Writ, specify it here.*] Given at Edinburgh, the Day of in the Year

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Resignation is granted by or on behalf of the Prince or Steward of Scotland, His Highness' other Titles need not be added.

SCHEDULE (G.)

Crown Writ of Clare constat.

Victoria, *&c.* Whereas by Decree of General Service, *or* " of Special Service," *as the Case may be,* of *A.B.* [*here insert the Name and Designation of the Heir*], dated [*here insert the Date of the Decree*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents, it clearly appears that *C.D.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in [*here describe the Lands, &c., and where there are Conditions of Entail, insert them, or make a competent Reference to them, and in Entails with Clause of Registration, as instead of the irritant and resolutive Clauses, or of the prohibitory, irritant, and resolutive Clauses, refer to the Clause of Registration, and in all Entail Cases describe the Deed of Entail or other Deed of Provision by Date and Date of Registration, and insert or competently refer to the Destination, and where there are any other Burdens or Qualifications insert or make a competent Reference to them.*] And that in virtue of [*here describe the Charter or Precept and Sasine, or recorded Charter or Precept, or other Writ or Writs forming the last Investiture, by Dates and Dates of Registration*]. And that the said *A.B.* is eldest Son and nearest and lawful Heir of the said *C.D.* [*or whatever Relationship and Character of Heir the Party holds, here state it.*] Therefore we hereby declare the said *A.B.* to be the Heir entitled to succeed to the said *C.D.* in the said Lands to be holden of Us and Our Royal Successors in manner and for Payment of the Duties specified in the [*here specify a Charter or other Writ containing the Tenendas and Reddendo.*

If

If the Reddendo is different from that in the Charter or other Writ, specify it here].

Given at Edinburgh, the Day of in the Year

(*Signed by the Director of Chancery or his Depute or Substitute.*)

Note.—When the Precept is to be granted by or on behalf of the Prince and Steward of Scotland, His Highness' other Titles need not be added.

SCHEDULE (H.)

Notarial Instrument in favour of a General Disponee, or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasine and Date of recording*], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y.* was vest in all and whole [*here describe the Lands*]; as also there was presented to me a general Disposition [*or other Deed, or* an Extract of a Deed], granted by the said *C.D.*, and bearing Date [*here insert Date*], by which General Disposition the said *C.D.* gave, granted, and disponed [*or otherwise, as the Case may be,*] to the said *A.B.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], heritably and irredeemably [*or* in Liferent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate of which he was [*or* might die] possessed. [*If the Deed be granted under any Real Burden or Condition or Qualification, add here,* " but " always under the Burden of the Real Lien, *&c.;*" *and if the Deed be granted in trust, or for specific Purposes, add,* " but always in trust, *or* for the Uses and Purposes men- " tioned in said Deed." *If the Party expeding the Instrument be other than the original Disponee, add,* " as also there was " presented to me" (*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right.*)] Whereupon, *&c., as in Schedule* (*B.*)

SCHEDULE (I.)

No. 1.

Assignation of an unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed*], granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed.*

veyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified]. In witness whereof [*here insert a Testing Clause in the usual Form*].

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title and the Nature and Extent of the Right conveyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

SCHEDULE (K.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance to be recorded along with the Conveyance.

At there was by [*or* on behalf of] *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.* of *Y.*, Esquire, and bearing Date [*insert Date*], by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded in the Register of Sasines along with this Instrument; as also there was presented to me [*here specify the Title or Series of Titles by which A.B. acquired Right, and the Nature and Extent of his Right*], whereupon, *&c., as in Schedule* (*B.*)

(Signed) *G.H.*,
Notary Public.

I.K., Witness.
L.M., Witness.

SCHEDULE (L.)

No. 1.

Clause of Reference to particular Description contained in a prior Deed.

[*After giving the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and of the Parish or supposed Parish, add*] " as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year ," [*or* " as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*,"

or

or as the Case may be.] [*If Part only of Lands is conveyed, describe such Part, and add* " being Part of the Lands particularly described, *&c.;*" *or thus,* " as particularly described, *&c.*, with the Exception of," *and describe the Part excepted.*]

No. 2.

Clause of Reference to Conveyance, containing General Designation of Lands.

[*After giving the leading Name or Names or other short distinctive Description of the Lands conveyed, and the Name of the County and Parish or supposed Parish, add*] " as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year , and in which the Lands herein contained are declared to be designed and known by the said Name of" [*here insert Name,*] [*or* " as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*, and in which the Lands herein contained are declared, *&c.*"] [*If Part only of Lands is conveyed, then follow Form for similar Case given in Schedule (I.) No.* 1.]

No. 3.

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] " and to the other Heirs specified and contained in a Disposition and Deed of Entail of the said Lands executed by the deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year ," [*or* " in the said Disposition and Deed of Entail dated and recorded as aforesaid," *or* " in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year "].

SCHEDULE (M.)

Notarial Instrument in favour of a Trustee in a Sequestration, or of Liquidators of Joint Stock Companies.

At there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestered Estate of *C.D.* [*or*, as Liquidator for winding up the (*specify Name of Company*)], presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c., specify the Title or Series of Titles by which the Bankrupt held the Lands*]; as also there was presented to me an Extract Act and Warrant of Confirmation in favour of the said *A.B.*, dated [*insert Date*] [*or here specify the Appointment of the Liquidator or Liquidators, and the Date thereof*]. Whereupon this Instrument, [*&c., as in Schedule (B.)*].

SCHE-

SCHEDULE (N.)

No. 1.

Deed of Relinquishment of Superiority.

I *A.B.*, immediate lawful Superior of all and whole [*here describe the Lands*], do hereby absolutely and gratuitously [*or* in consideration of the Sum of Pounds paid to me, *or, if the Superiority is entailed,* " consigned in the (*specify Bank*) subject to the Orders of the Court of Session,"] relinquish and renounce my Right of Superiority of the said Lands in favour of *C.D.*, my immediate Vassal, and his Successors therein, and declare that the said Lands shall no longer be held of me as Superior, but shall be held of my immediate lawful Superior in all Time to come. In witness whereof [*here insert usual Testing Clause*].

No. 2.

Acceptance by Vassal written on Deed of Relinquishment.

I *C.D.*, the immediate Vassal in the Lands described in this Deed, accept the Relinquishment of the Superiority of the said Lands. In witness whereof [*here insert usual Testing Clause*].

No. 3.

Crown Writ of Investiture written on Deed of Relinquishment.

Victoria, *&c.* We, lawful Superior of the Lands contained in this Deed, accept and receive *C.D.*, and his Heirs and Successors whomsoever, [*or otherwise, according to the Destination contained in the Title to the Lands,*] in place of *E.F.*, and his Heirs and Successors, in virtue of the above Deed of Relinquishment, and Acceptance thereof. To be holden the said Lands by the said *C.D.* and his foresaids [*specify the Tenendas and Reddendo contained in the Titles of the relinquished Superiority, also insert or competently refer to the Conditions and Limitations, if any, under which the Lands are held by the Vassal as in Writ of Clare constat*]. Given at Edinburgh, the Day of in the Year

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Investiture is to be granted by or on behalf of the Prince or Steward of Scotland, His Highness' other Titles need not be added.

CAP. LXXVII.

An Act to amend and extend the Settled Estates Act of 1856. [2d *August* 1858.]

'WHEREAS it is expedient to amend and extend the 'Settled Estates Act of 1856 (Nineteenth and Twentieth 'Victoria, Chapter One hundred and twenty,) in certain 'Particulars:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

19 & 20 Vict. c. 120.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definitions of "Settlement" and "Settled Estates."

I. For the Purposes of the Definitions of "Settlement" and "Settled Estates" contained in the First Section of the said Act, all Estates or Interests in remainder or reversion not disposed of by the Settlement, and reverting to a Settlor, or descending to the Heir of a Testator, shall be deemed to be Estates coming to such Settlor or Heir under or by virtue of the Settlement.

"Building Lease" to include Repairing Lease.

II. The Term "Building Lease" in the said Act shall be deemed to include a Repairing Lease, so that no Repairing Lease shall be made for a Term exceeding Sixty Years.

Powers of Leasing to extend to Copyhold and Customary Tenants of Manors.

III. All the Powers to authorize and to grant Leases contained in the said Act and this Act shall be deemed to include Powers to the Lords of Settled Manors to give Licences to their Copyhold or Customary Tenants to grant Leases of Lands held by them of such Manors to the same Extent and for the same Purposes as Leases may be authorized or granted of Freehold Hereditaments under the said Act and this Act.

Extension of Power under Section 2. of recited Act as to Term for Building Leases.

IV. The Power given to the Court by the Second Section of the said Act to extend the Term thereby prescribed for Building Leases, where it shall be satisfied that it is the usual Custom of the District, and beneficial to the Inheritance, to grant Building Leases for longer Terms, shall be extended and may be exercised with respect to all the other Leases in the same Section mentioned, except Agricultural Leases, provided the Court shall be satisfied that it is the usual Custom of the District and beneficial to the Inheritance to grant such Leases for longer Terms.

As to Surrender of Leases.

V. The Power conferred by the Fifth Section of the said Act to surrender Leases granted under the Provisions of the said Act shall be deemed to extend to all Leases, whether granted in pursuance of the said Act or otherwise.

As to taking Examinations of married Women.

VI. Whenever a married Woman is resident out of the Jurisdiction of the Court of Chancery of *England* or the Court of Chancery of *Ireland* respectively, as the Case may be, her Examination, under the Thirty-eighth Section of the Act, may be made by any Person appointed for that Purpose by the Court, whether he is or is not a Solicitor of the Court; and the Appointment of any such Person, not being a Solicitor, shall afford conclusive Evidence that the married Woman was at the Time of such Examination resident out of the Jurisdiction of the Court.

Extension of Power to rescind General Rules and Orders.

VII. The Power contained in the said Act to make and rescind General Rules and Orders shall extend to the Matters to which this Act relates; and such Rules and Orders may, so far as may be found expedient, alter the Procedure prescribed by the said Act and this Act.

As to Validity of Demises under Section 33. of recited Act.

VIII. In addition to the Persons expressly enumerated in the Thirty-third Section of the said Act against whom Demises authorized by the Thirty-second Section are to be valid, such Demises,

Demises, in the Case of unsettled Estates, shall be valid against the Wife of any Husband making such Demise of Estates to which he is entitled in right of such Wife.

CAP. LXXVIII.

An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases. [2d *August* 1858.]

'WHEREAS it is expedient that the Evidence taken before 'the Committees of either House of Parliament on a 'Private Bill should be available, if desired, before the Com-'mittee of the other House to which the same Bill is referred, 'and that for this Purpose the Committees of the House of 'Commons on Private Bills should be enabled to administer an 'Oath to the Witnesses examined before them; and it is also 'expedient for the Convenience of the House of Lords that 'the Committees of that House should be enabled to admin-'ister an Oath to the Witnesses examined before them, instead 'of such Witnesses being as heretofore sworn at the Bar of 'the House:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Select Committees of H. C. may examine on Oath.

I. Any Select Committee of the House of Commons to which any Private Bill has been referred by the House may examine Witnesses upon Oath upon Matters relating to such Bill, and for that Purpose may administer an Oath to any such Witness.

Committee of H. L. may administer Oath.

II. Any Committee of the House of Lords may administer an Oath to the Witnesses examined before such Committee.

False Evidence Perjury.

III. Any Person examined as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury.

CAP. LXXIX.

An Act to amend the Law relating to Cheques or Drafts on Bankers. [2d *August* 1858.]

'WHEREAS it is expedient to amend the Law relating 'to Cheques or Drafts on Bankers:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Crossing to be deemed a material Part of a Cheque or Draft, &c.

I. Whenever a Cheque or Draft on any Banker, payable to Bearer, or to Order, on Demand, shall be issued, crossed with the Name of a Banker, or with Two transverse Lines with the Words "and Company" or any Abbreviation thereof, such Crossing shall be deemed a material Part of the Cheque or Draft, and, except as hereafter mentioned, shall not be oblite-

rated

rated or added to or altered by any Person whomsoever after the issuing thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed, or if the same be crossed as aforesaid without a Banker's Name, to any other than a Banker.

The lawful Holder of a Cheque uncrossed, or crossed "and Company," may cross the same with the Name of a Banker.

II. Whenever any such Cheque or Draft shall have been issued uncrossed, or shall be crossed with the Words "and Company" or any Abbreviation thereof, and without the Name of any Banker, any lawful Holder of such Cheque or Draft, while the same remains so uncrossed, or crossed with the Words "and Company" or any Abbreviation thereof, without the Name of any Banker, may cross the same with the Name of a Banker; and whenever any such Cheque or Draft shall be uncrossed, any such lawful Holder may cross the same with the Words "and Company" or any Abbreviation thereof, with or without the Name of a Banker; and any such Crossing as in this Section mentioned shall be deemed a material Part of the Cheque or Draft, and shall not be obliterated or added to or altered by any Person whomsoever after the making thereof; and the Banker upon whom such Cheque or Draft shall be drawn shall not pay such Cheque or Draft to any other than the Banker with whose Name such Cheque or Draft shall be so crossed as last aforesaid.

Persons obliterating, &c. Crossing with Intent to defraud, guilty of Felony.

III. If any Person shall obliterate, add to, or alter any such Crossing with Intent to defraud, or offer, utter, dispose of, or put off with Intent to defraud, any Cheque or Draft on a Banker, whereon such fraudulent Obliteration, Addition, or Alteration has been made, knowing it to have been so made, such Person shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or to such other Punishment as is enacted and provided for those guilty of Forgery of Bills of Exchange in the Statute in that Case made and provided.

Banker not to be responsible for paying a Cheque which does not plainly appear to have been crossed or altered.

IV. Provided always, That any Banker paying a Cheque or Draft which does not at the Time when it is presented for Payment plainly appear to be or to have been crossed as aforesaid, or to have been obliterated, added to, or altered as aforesaid, shall not be in any way responsible or incur any Liability, nor shall such Payment be questioned by reason of such Cheque having been so crossed as aforesaid, or having been so obliterated, added to, or altered as aforesaid, and of his having paid the same to a Person other than a Banker, or other than the Banker with whose Name such Cheque or Draft shall have been so crossed, unless such Banker shall have acted *malâ fide*, or been guilty of Negligence in so paying such Cheque.

Interpretation of the Word "Banker."

V. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock Company, acting as a Banker or Bankers.

CAP. LXXX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts. [2d *August* 1858.]

'WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for "the Relief of Turnpike Trusts, and to make certain Provi-"sions respecting Exemptions from Tolls," certain Provisional Orders have been made for reducing the Rate of Interest, and for extinguishing the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette* and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act, and the First of the said Orders bearing Date in the Year One thousand eight hundred and fifty-seven was made by the Right Honourable Sir *George Grey*, who at the Date thereof was One of Her Majesty's Principal Secretaries of State, and the Second of the said Orders bearing Date in the Year One thousand eight hundred and fifty-eight was made by the Right Honourable *Spencer Horatio Walpole*, who at the Date thereof was One of such Secretaries of State: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 14 & 15 Vict. c. 38.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament. Provisional Orders confirmed.

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates
		£ s. d.		
1857. 18 Nov.	3 G. 4. c. 96., "An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King George the Third for repairing the Road from the Town and Port of Dover to the Town and Port of Sandwich, and also the Road from the present Turnpike Road leading from Dover to Barham Downs, up Kersney Court Hill, to the Parish of Whitfield, otherwise Beausfield, in the County of Kent."	2,650 0 0	3*l.* per Cent.	31 Dec. 1857.
1858. 6 April	59 G. 3. c. 99., "An Act for continuing and amending Three Acts of His late and present Majesty for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Northampton."	3,150 0 0	3*l.* per Cent.	24 June 1857.

CAP. LXXXI.

An Act for confirming a Scheme as amended of the Charity Commissioners for *Cowley*'s Charity in the Parish of *Swineshead* in the County of *Lincoln*.

[2d *August* 1858.]

5th Report, dated 26th Feb. 1858, approving Scheme for Cowley's Charity.

'WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and certified (among other Schemes for the Application and

'and Management of Charities) a Scheme for *Cowley's* Charity 'in the Parish of *Swineshead* in the County of *Lincoln*, and 'such Scheme is set out in the Appendix to the said Report, 'and is also set out, with certain Alterations, in the Schedule 'to this Act: And whereas it is expedient that the said 'Scheme as amended should be confirmed:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Scheme as amended shall be confirmed and take effect. Scheme confirmed.

SCHEDULE.

SCHEME

For the APPLICATION and MANAGEMENT of THOMAS COWLEY'S CHARITY, in the Parish of Swineshead, in the County of Lincoln.

1. The Reverend Joseph Watkins Barnes, clerk, formerly vicar of the above-mentioned parish of Swineshead, but now vicar of Kendal, in Westmoreland, and Richard Odlin Milson, formerly of Swineshead aforesaid, but now of Hanging Heaton, in the county of York, surgeon, having respectively ceased to reside in the parish of Swineshead, are hereby discharged from being trustees of the above-mentioned Charity.

2. The following persons shall be the trustees for the administration and management of the said Charity, under the provisions of this scheme, viz.:—The vicar of the parish of Swineshead and the incumbent of the perpetual curacy of Chapel Hill, in the said parish of Swineshead respectively for the time being; Thomas Holmes and John Cooper, of Swineshead, farmers, two of the present surviving trustees; John Jessop, farmer; Robert Shaw, farmer; William Caswall Ingall, farmer; and Charles Henry Little, farmer, all of Swineshead aforesaid.

3. The office of any trustee under this scheme (not being a trustee by virtue of his office) shall be vacated by death, resignation, bankruptcy, insolvency, incapacity to act, or the omission for a period of two consecutive years to attend any meeting of the trustees; and whenever the number of trustees shall be reduced by the occurrence of vacancies to less than eight, the remaining trustees for the time being shall elect and appoint some fit person or persons from the most sufficient inhabitants of the parish as the new trustee or trustees, to fill such vacancy or vacancies, so as to make up the number of trustees to eight; provided that the approval of the Board of Charity Commissioners for England and Wales shall be requisite to the validity of every such election and appointment, and that,

until such appointment, the continuing trustees of the Charity shall be competent in all respects to act in the administration of the trust.

4. All the real estate, of whatsoever tenure, and rights and privileges belonging to or held in trust for the Charity, including the school house and its appurtenances in the parish of Swineshead, now used as a parochial school, and all the personal estate belonging to the said Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately vested in the said trustees hereby appointed, and shall from time to time vest and continue vested in the trustees of the Charity for the time being for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance.

5. The clear annual income of the Charity, after providing for the proper outgoings and expenses of repairs and management, and after paying thereout, as directed by the founder, the weekly sum of 2*s.* for providing bread, to be distributed every Sunday to 12 poor inhabitants of Swineshead, and the annual sum of 20*s.* to the vicar of Swineshead for preaching or causing to be preached a sermon annually in the parish church of Swineshead on Easter Tuesday, shall be applied by the trustees as follows; that is to say, a yearly sum, to be fixed from time to time by the trustees, according to the requirements of the school, with the sanction of the Board of Charity Commissioners for England and Wales, and not exceeding in any one year the sum of 90*l.*, shall be appropriated and applied by the trustees in or towards the payment of the salaries of the master and mistress, and the general maintenance and support of a school for the instruction of children of the parish of Swineshead, (which shall be called "Cowley's Foundation School,") according to regulations to be established by the said trustees, with the approval of the said Board.

6. The annual residue of the said income which shall remain after providing for the payments aforesaid shall be applied by the trustees, in such manner and proportions as they shall from time to time think most desirable, in providing fuel, blankets, clothing, and other necessaries or comforts, to be distributed, according to the discretion of the trustees, amongst the poorest and most deserving persons or families residing in the parish of Swineshead, such persons or families to be selected from time to time by the trustees duly assembled at a meeting, due regard being had to the respective necessities and other claims and qualifications of the several objects.

7. Subject to the provisions herein-before contained, suitable rules shall be established by the trustees, with the approval of the Board of Charity Commissioners for England and Wales, for the administration and management of the Charity by the trustees and for the conduct and regulation of the school, and the

the master, mistress, teachers, and scholars thereof; and such rules may from time to time be altered or modified by the said trustees, with the like approval: Provided that no alteration shall be made which shall be inconsistent with the principal objects and provisions of this scheme.

CAP. LXXXII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [2d *August* 1858.]

'WHEREAS it is necessary that Provision should be made 'for defraying the Charge of the Pay, Clothing, and 'contingent and other Expenses of the Regular Militia, and 'of the Miners of *Cornwall* and *Devon*, when disembodied, 'in *Great Britain* and *Ireland*, and for making in certain 'Cases Allowances of Retired Pay to Subaltern Officers and 'Surgeons Mates and Assistant Surgeons of the Regular 'Militia, and of the Miners of *Devon* and *Cornwall*, also to 'Adjutants, Paymasters, Surgeons, and Quartermasters of the 'Regular Militia who have been allowed to retire, and to 'Adjutants disabled after long Service:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State for War to issue the Money for Pay of Regular Militia.

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

For each Adjutant of Infantry, Eight Shillings, and of Artillery, Nine Shillings:

For each Quartermaster, where One is appointed in Corps consisting of not less than Three hundred and sixty Private Men, Five Shillings *per Diem;* and of less than Three hundred and sixty Private Men, Three Shillings and Sixpence *per Diem:*

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, One Shilling, and under Sixteen Years of Tenpence:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal

Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Quartermaster, &c. to have Charge of the Arms and Clothing.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

Balance to form a Stock Purse.

Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or

Exercise entitled to Pay.

Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance)	0	10	6	0	10	6
Lieutenant - - - -	0	6	6	0	6	6
Ensign - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards* - -	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies* - - -	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards* - - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies*	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff) - -	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff) - -	0	3	6	0	3	6
" (if on the Permanent Staff in Corps of not less than 360 Private Men)* - -	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men)*- - -	0	3	0	0	3	0
Surgeon - - - - -	0	11	4	0	11	4
Assistant Surgeon - - - -	0	7	6	0	7	6
Serjeant Major* - - - -	0	0	2¾	0	0	6
Quartermaster Serjeant* - - -	0	0	4¾	0	0	4
Paymaster Serjeant* - - -	0	0	4¾	0	0	4
Serjeant (if on the Permanent Staff) -	0	0	0¾	0	0	4
" (if not on the Permanent Staff) -	0	1	6¾	0	2	6
Corporal - - - - - -	0	1	2¼	0	1	4¼
Drummer, Bugler, or Trumpeter - -	0	0	1	0	0	3
Private - - - - - -	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - -	0	0	1	0	0	1

* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

VII. Volunteers

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. 'And whereas certain Lieutenants, Ensigns, and 'Surgeons Mates of the Militia of *Great Britain*, or Subaltern 'Officers and Assistant Surgeons of the Militia of *Ireland*, when 'unfit for further Duty, have been placed upon a retired Allow- 'ance equal to and instead of the Allowance granted to them 'on the disembodying of the Militia at the Termination of the 'War in the Year One thousand eight hundred and fifteen: 'And whereas certain Paymasters, Surgeons, and Quarter- 'masters, when unfit for Duty, have also been placed on a 'retired Allowance equal to and instead of their reduced 'Allowances granted to them in pursuance of an Act passed 'in the Tenth Year of the Reign of His Majesty King *George* 'the Fourth:' All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, 'That I formerly served as a in the 'Militia; that I am not in Holy Orders; and that from the 'Day of to the Day of 'I did not hold or enjoy any Place or Employment 'of Profit, Civil or Military, under Her Majesty, or in the 'Colonies or Possessions of Her Majesty beyond the Seas, or 'under any other Government, besides my Allowance of 'per Diem as a of the said Militia, except my Half 'Pay or Civil Pension as a

Form of Declaration.

IX. 'And whereas certain Non-commissioned Officers and 'Drummers of the Militia of the United Kingdom of *Great* '*Britain* and *Ireland* have on the Reduction of the Establish- 'ment of the Disembodied Staff, been placed on the Out- 'Pension, although not unfit for further Service:' No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when lied.

Allowance to be made for Medicines.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1859.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-eight, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-nine, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines,

Right to Half Pay reserved.

Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XIV. 'And whereas certain Adjutants are entitled to and 'have received certain Allowances in consequence of having 'been reduced under the Provisions of an Act passed in the 'Thirty-ninth and Fortieth Years of the Reign of King *George* 'the Third, which Allowances have been continued, and as to 'such Adjutants augmented to Four Shillings *per Diem*:' All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-eight to the Thirty-first Day of *July* One thousand eight hundred and fifty-nine.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Proviso.

Allowances to Adjutants, Surgeons, and Quartermasters.

XVI. 'And whereas certain Allowances have been granted 'in pursuance of former Acts to Adjutants, Surgeons, and 'Quartermasters of Regular Militia who have by Age or 'Infirmity been rendered unfit for further Service:' Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances granted to Adjutants on Completion of certain Periods of Service.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmity,

Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

Provided that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. 'And whereas certain Allowances have been granted 'to reduced Adjutants of the Local Militia:' The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and

and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving
' as Adjutant in the of Local Militia at the
' Reduction of the Staff of the said Militia in One thousand
' eight hundred and twenty-nine; and that I was not in Holy
' Orders during any Part of the Period for which I now claim
' to receive an Allowance, that is to say, from the
' Day of One thousand eight hundred and
' to the Day of One thousand eight
' hundred and ; and that I did not hold or
' enjoy, nor did any Person for me hold or enjoy, during any
' Part of the said Period, any Place, Office, or Employment of
' Profit, Civil or Military, under the Crown or any other Go-
' vernment, besides the Allowance of a Day
' now claimed, except my Half Pay as a [of
' the Army *or* Navy *or* Marines, *or* of a Provisional Battalion
' formed from the Militia, *as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in *Great Britain*, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the

the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon;* and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* Constable *or other Officer*] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the Public Service according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXII. 'And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment:' It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting;

Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

'I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.'

Declaration to be made by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-eight until the First Day of *September* One thousand eight hundred and fifty-nine.

Continuance of Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

Scale of Rates of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES to the CLERKS of GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - - - - - -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each - - - - -	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - from 801 Men and upwards -	6	6	0

6. For

	£	s.	d.
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under	1	1	0
Ditto - - from 201 to 400 Men - -	2	2	0
Ditto - - from 401 to 600 Men - -	3	3	0
Ditto - - from 601 to 800 Men - -	4	4	0
Ditto - - from 801 Men and upwards -	5	5	0
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto - 251 Names and upwards - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - - - - -	0	15	0
Ditto - - Two - Ditto - -	1	10	0
Ditto - - Three - Ditto -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0

	£	s.	d.
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed. upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - - - - - - - -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet,			
For receiving Lists and hearing Appeals,			
For balloting,			
For enrolling,			
And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - - - - -		2	0

And

	£	s.	d.
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - - - - - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - - - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - -	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is 50 Men and under - - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - -	4	4	0
Ditto from 251 Men and upwards - -	5	5	0
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards -	1	0	0

20. For

	£	s.	d.
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0

22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy whose Certificate shall state that the same was necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

Training and Exercise.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards -	1	0	0

And

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - - - - -	0	5	0
31. For Stationery, per Annum - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0

	£	s.	d.
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

Scale of Rates of Remuneration to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.	Per Annum £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - - -	20	0	0
Above 400, and not exceeding 500 - - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - - -	1	10	0
Above 4,000 - - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - -	2	2	0

The actual Expense incurred in printing or advertising and for Postage may be charged.

CAP. LXXXIII.

An Act to make Provision for the better Government and Discipline of the Universities of *Scotland*, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of *Aberdeen*. [2d *August* 1858.]

'WHEREAS it is expedient for the Advancement of 'Religion and Learning to make Provision for the better 'Government and Discipline of the Universities in *Scotland*, 'viz., the Universities of *St. Andrew's*, *Glasgow*, *Aberdeen*, and 'Edinburgh, and for improving and regulating the Course of 'Study therein:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

King's College and Marischal College, Aberdeen, to be united under the Title of "University of Aberdeen."

I. From and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and *King's College* of *Aberdeen*" and "*Marischal College* and University of *Aberdeen*" shall be united and incorporated into One University and College in all Time coming thereafter, under the Style and Title of the "University of *Aberdeen*;" and the said united University shall take Rank among the Universities of *Scotland* as from the Date of Erection of *King's College* and University, *viz.*, the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the "University and *King's College*," or to "*Marischal College* and University," shall in Time coming thereafter pertain and belong to the "University of *Aberdeen*."

Appointment of Chancellors.

II. The Chancellor of each of the Universities of *St. Andrew's*, *Glasgow*, and *Aberdeen* shall be elected by the other Members of the General Council herein-after mentioned; and in Time coming there shall be a Chancellor of the University of *Edinburgh*, to be elected in like Manner: Provided always, that the present Chancellors of *Saint Andrew's* and *Glasgow* shall continue in Office for Life, and the present Chancellor of the University and *King's College* of *Aberdeen*, and the present Chancellor of *Marischal College* and University of *Aberdeen*, shall, during their joint Lives, be joint Chancellors of the University of *Aberdeen*, and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life; the Chancellor in each University shall have Power to appoint a Vice-Chancellor, who may in the Absence of the Chancellor discharge his Office in so far as regards conferring Degrees, but in no other respect.

Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs of Theology."

III. The Principals in the Universities of *Glasgow, Aberdeen,* and *Edinburgh,* appointed in Time to come, shall not, as such, be or be deemed Professors of Divinity, nor shall it be a valid Objection to any Person appointed to the Office of Principal in any of the said Universities that he is a Layman, and no such Office of Principal therein shall fall under or be included in the Terms "Chair of Theology" as used in an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty Queen *Victoria* (Chapter Eighty-nine), intituled *An Act to regulate Admission to the Lay Chairs in the Universities of* Scotland.

16 & 17 Vict. c. 89.

University Courts to be constituted.

IV. From and after the Date or Dates at which this Act shall come into operation, as herein-after provided, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be, the ordinary President, with a deliberative and a casting Vote.

Powers of the Senatus Academicus and Principal.

V. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act, and shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court, as herein-after provided; One Third of the Senatus shall be a Quorum; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall be bound to undertake and perform such Duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the Continuance of their Powers, and thereafter by the University Court.

General Councils of the Universities to be constituted.

VI. There shall be in each University a General Council consisting of the Chancellor, of the Members of the University Court, from and after their First Election, of the Professors, of all Masters of Arts of the University, of all Doctors of Medicine of the University who shall have, as Matriculated Students of the University, given regular Attendance on Classes in any of the Faculties in the University during Four complete Sessions, and also of all Persons who within Three Years from and after the passing of this Act shall establish to the Satisfaction of the Commissioners herein-after appointed that they have, as Matriculated Students, given regular Attendance on the Course of Study in the University for Four complete Sessions, or such regular Attendance for Three complete Sessions in the University, and regular Attendance for One such complete Session in any other *Scottish* University, the Attendance for at least Two of such Sessions having been on the

the Course of Study in the Faculty of Arts: Provided that no Person shall be a Member of the General Council until he has attained the Age of Twenty-one Years complete, and has his Name registered in a Book to be kept for the Purpose by each University, which shall be done on Payment of such annual Fee as shall be fixed by the said Commissioners; and provided also, that no Person shall be a Member of the General Council while he is a Student enrolled in any Class of the University; and the said General Council shall assemble twice every Year, on such Days as may be fixed by the Commissioners hereinafter appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, with the Approval of the University Court, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon.

General Council of the University of Aberdeen to consist of Persons herein named.

VII. The General Council of the University of *Aberdeen* shall consist of the Chancellors or Chancellor, of the Members of the University Court, of the Professors, and of all such Graduates and Students as is herein-above provided in regard to the other Universities, whether they be Graduates and Students of the University and *King's College* or of *Marischal College* and University.

St. Andrew's.

University Court, of whom to consist.

VIII. The University Court of the University of *Saint Andrew's* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners herein-after appointed;
2. The Senior Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum; and the Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Glasgow.

University Court, of whom to consist.

IX. The University Court of the University of *Glasgow* shall consist of the following Members, *viz.*,

1. A Rector to be elected by the Matriculated Students, voting by Nations as at present, subject to any Re-distribution of Nations or other Regulations to be made by the Commissioners;

2. The

2. The Principal;
3. The Dean of Faculties;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council of the University;
7. An Assessor to be elected by the Senatus Academicus:

Neither the Rector nor any of the Assessors, with the Exception of the Assessor to be elected by the Senatus Academicus, shall be a Principal or Professor of any University. The Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and Five Members of the University Court shall be a Quorum; and the Rector and Dean of Faculties and Minister of *Glasgow* shall no longer exercise any Right or Power as ordinary Visitors of the College of *Glasgow* other than is or may be conferred on any of them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

X. The University Court of the University of *Aberdeen* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting according to the present Usage in *Marischal College*, but subject to any Regulations as to voting to be made by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council of the University;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum. The Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Edinburgh

University Court, of whom to consist.

XI. The University Court of the University of *Edinburgh* shall consist of the following Members; *viz.*,

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. The Lord Provost of *Edinburgh* for the Time being;
5. An Assessor to be nominated by the Lord Provost, Magistrates, and Town Council of *Edinburgh*;
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University;
8. An Assessor to be elected by the Senatus Academicus:

And

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus: And the Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years, and Five Members of the University Court shall be a Quorum.

Powers of University Courts.

XII. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers, *viz.*,

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor; provided that all such proposed Improvements shall be submitted to the University Council for their Consideration:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of Teaching and other Duties imposed on the Professors:
4. To fix and regulate from Time to Time the Fees in the several Classes:
5. Upon sufficient Cause shown, and after due Investigation, to censure a Principal or Professor, or to suspend him from his Office and from the Emoluments thereof, in whole or in part, for any Period not exceeding One Year, or to require him to retire from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the Teaching of his Class: Provided always, that no such Sentence of Censure, Suspension, or Deprivation, or Requisition on a Professor to retire from Office, shall have any Effect until it has been approved by Her Majesty in Council:
6. To inquire into and control the Administration by the Senatus Academicus or Principal and Professors of any College of the Revenue, Expenditure, and all the pecuniary Concerns of the University and of any College therein, including Funds mortified for Bursaries and other Purposes.

Right of Nomination to Professorships vested in University Courts.

XIII. The Right of Nomination or Presentation to any Professorships within any of the said Universities in Time past, and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in manner herein-before provided; and the Right of Nomination or Presentation to the Office of Principal and to all Professorships in the University of

of *Edinburgh* in Times past, and presently exercised by the Town Council of *Edinburgh* or by One or more of the Members thereof, either by themselves or conjointly with others, shall be transferred from the said Town Council or Members thereof to and in all Time coming be exercised by Seven Curators to be nominated as follows: Within Two Months from and after the Date at which this Act shall come into operation, as herein-after provided, the Town Council shall nominate Four Curators, and the University Court of the said University shall nominate the remaining Three Curators, and the Curators shall continue in Office for Three Years; and in the event of Vacancies in the Office of Curator occurring from Death, Resignation, or any other Cause, the Vacancies shall, as respects the Four Nominations made by the Town Council, be filled up by the Town Council, and shall, as respects the other Nominations, be filled up by the University Court.

Appointment of Commissioners.

XIV. The following Persons, (that is to say,) his Grace *John George Douglas Campbell* Duke of *Argyll*, the Right Hon. *George Hamilton Gordon* Earl of *Aberdeen*, the Right Honourable *Philip Henry Stanhope* Earl *Stanhope*, the Right Hon. *William David Murray* Earl of *Mansfield*, the Right Hon. *Duncan McNeill* Lord Justice General and Lord President of the Court of Session, Sir *William Gibson Craig* of *Riccarton*, Baronet, *John Inglis* Esquire, Lord Justice Clerk for *Scotland*, *James Craufurd* Esquire, One of the Senators of the College of Justice, *William Stirling* Esquire, of *Keir*, *James Moncrieff* Esquire, *Alexander Hastie* Esquire, and *Alexander Murray Dunlop* Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and Four of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his Absence One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote. If any Vacancy occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy by Warrant under the Sign Manual. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and sixty-two; and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and sixty-three, and no longer.

Her Majesty may fill up Vacancies.

Declaration of Powers of Commissioners.

Powers of Commissioners:

XV. The Commissioners shall possess and exercise the following Powers, *viz.*,

To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

1. To call before them the respective Principals, Professors, Regents, Masters, and others bearing Office in the said Universities and the Colleges therein respectively; *viz.*, the University of *St. Andrew's*, the University of *Glasgow*, the University and *King's College* of *Aberdeen*, the University of *Edinburgh*, *Marischal College* and University of

of *Aberdeen*, and to examine them as to all Rules and Ordinances now in force in the said Universities, and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges:

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further, if in the Case of any such Gift or Endowment which has taken effect for more than Fifty Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor, so far as is consistent with the Promotion of such Interests, may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof: To revise the Foundations, &c., and to alter Trusts;

3. Subject to the Provisions of this Act, to regulate by Ordinance the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices: To regulate the Powers of Office Bearers;

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected: To regulate Elections of University Officers;

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students shall be admitted thereto, the Course of Study and Manner of Teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course To regulate Course of Study, Exaction of Fees, &c.;

Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of *Scotland:*

To make Ordinances in order to found Professorships and provide for Assistants;

6. To make Ordinances in order to found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised:

To provide for the due Administration of Revenues and Endowments;

7. To make such Provision by Ordinance as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities and Colleges, and for the better Custody and Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein:

To provide for the Extinction of Debt;

8. To provide by Ordinance, as the Commissioners shall judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University or College, for the Payment and Extinction of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively:

To fix Date of Commencement of Act.

9. To provide by special Ordinance, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation:

To report on Expediency of National University;

10. To inquire and report to Her Majesty how far it may be practicable and expedient that a new University should be founded, to be a National University for *Scotland:*

To make Arrangements for converting Universities into Colleges of the said National University.

11. In the event of the Erection of such an University, to make Arrangements, with Consent of the *Scottish* Universities named in this Act, or any of them, for converting them respectively into Colleges, One or more, as the Case may be, of the said National University, and for the due Representation of such Colleges in the Governing Body thereof:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners shall be published in the *Edinburgh Gazette* for Four consecutive Weeks, and shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and it shall be lawful for any University or any College, and for the Trustees or Patron of any Foundation, Mortification, Bursary, or Endowment, or for any other Person directly

directly affected by any such Rule, Statute, or Ordinance, within One Month after the last Publication thereof in the Gazette, to petition Her Majesty in Council to withhold Her Approbation of the whole or any Part thereof, and it shall be lawful for Her Majesty in Council to refer such Petition to the Commissioners, and to direct that they shall hear the Petitioner or Petitioners by Counsel, and report specially to Her Majesty in Council on the Matter of the said Petition; and it shall be lawful for Her Majesty, by Order in Council, either to declare Her Approbation of any such Rule, Statute, or Ordinance, in whole or in part, or to signify Her Disapproval thereof, in whole or in part, and in case of such Disapproval the Commissioners may proceed to frame other Statutes or Ordinances in that Behalf, subject to the like Provisions and Conditions as are herein-before enacted; and no such Rule, Statute, or Ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved: Provided also, that each of the said Universities shall be governed and conducted according to the existing Law and Practice until the Commissioners shall have made and published, with reference to such University, an Ordinance providing at what Date this Act shall come into operation, and such Ordinance shall have been approved of by Her Majesty, as herein-before provided.

Scottish Universities may surrender Power of granting Degrees on Grant of Charter for a National University.

XVI. If Her Majesty shall be pleased, at any Time within the Duration of the Commission, to grant a Charter for the Foundation of a National University for *Scotland*, the *Scottish* Universities named in this Act, or any of them, may, if they shall think fit, surrender to the Commissioners the Powers of examining for and of granting Degrees, with or without the Exception of Degrees in Theology, and to become Colleges, One or more, as the Case may be, of the said National University.

No such Surrender, &c. to be valid unless signified in Writing by the Chancellor, &c.

XVII. No such Surrender or Consent as is herein-before mentioned of any *Scotch* University named in this Act, with a view to becoming a College or Colleges of a National University for *Scotland*, shall be valid, except it be signified in Writing by the Chancellor and by the University Court of the University concerned therein, nor except it be declared by the said Court that the said Surrender or Consent respectively is given with the Approval of the Senatus Academicus, and likewise of the University Council.

Powers of Commissioners as to University of Aberdeen:

XVIII. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of *Aberdeen*, possess and exercise, subject to the Provisions of this Act, the following Powers:

To determine Number of Professors, and regulate Course of Study;

1. To make Ordinances in order to determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural

Natural Philosophy, and a Professor of Natural History; or, in the Discretion of the Commissioners, Two Professors in any One or more of such Branches of Instruction in the Faculty of Arts, if it shall appear to be necessary or expedient, with Power to the said Commissioners to determine where the Classes of each of the said Professors shall assemble; in the Faculty of Divinity there shall be Professors of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Institutes of Medicine, of the Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

To abolish Offices rendered unnecessary by the Union, &c.;

2. To make Ordinances in order to abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships, making full Compensation to the Holders of such Offices for all Loss of Emoluments consequent on such Abolition or Conjunction of Offices; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation, or Deprivation of any of the present Incumbents, to any of the following Purposes within the said University; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors:

2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established:

3. For providing Remuneration to the Examiners appointed in pursuance of this Act:

4. For increasing the Salaries presently attached to such Professorships, and any other Offices in the University:

5. For the Endowment of new Professorships;

To accept Resignations, &c.;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements for giving reasonable Compensation to such Persons for Loss of Emoluments by such Resignation, or for the Appointment of such Incumbents to other Professorships or other Offices in the said University;

4. To

4. To make Ordinances in order to determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage; — To determine Right of Patronage;
5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of *King's College* and *Marischal College* respectively shall be appropriated; — To arrange as to Buildings of united Colleges;
6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University: — To make all necessary Rules, &c.

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published, laid before Parliament, and approved, in like Manner, and shall be subject to the same Provisions and Conditions in all respects as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

XIX. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners, as herein-before provided, may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty in Council. — Power to University Court to alter or revoke Statutes passed by Commissioners after Expiration of their Powers.

XX. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command. — Instructions issued by Her Majesty to be considered by Commission.

XXI. The Commissioners of Her Majesty's Treasury shall be empowered to pay out of such Moneys as may be provided by Parliament for the Purpose, by Four equal Quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, such Sums of Money as the Commissioners herein appointed shall recommend to be paid for any One or more of the following Purposes; (that is to say,) — How Parliamentary Grant to be applied.

1. For providing retiring Allowances to aged and infirm Principals and Professors;
2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;
3. For providing Remuneration to the Examiners appointed in pursuance of this Act;

4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;
5. For the Endowment of new Professorships;
6. For providing full Compensation to the present Holders of Professorships or other Offices for the Loss of Emoluments consequent on the Abolition or Conjunction of such Professorships or other Offices in the present Universities and Colleges of *Aberdeen:*

And it is hereby provided, that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time see fit to prescribe in reference thereto: Provided always, that all Rules, Statutes, and Ordinances providing for or affecting the Application or Distribution of such Sums of Money shall be laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it has been so laid before Parliament and approved of by Her Majesty.

Power to Treasury to grant Moneys for Purposes herein named.

XXII. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be provided by Parliament for that Purpose, such Sums as shall to them appear necessary for the following Purposes; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury;
2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same;
3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland.

XXIII. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of *Scotland; viz.*, a Commission issued by His Majesty King *George* the Fourth on the Twenty-third Day of *July* One thousand eight hundred and twenty-six, renewed by His Majesty King *William* the Fourth on the Twelfth Day of *October* One thousand eight hundred and thirty; a Commission issued by His Majesty King *William* the Fourth on the Twenty-third Day of *November* One thousand eight hundred and thirty-six, reappointed by Her present

present Majesty on the Second Day of *October* One thousand eight hundred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of *April* One thousand eight hundred and fifty-seven.

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners.

XXIV. All Rules, Statutes, and Ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a Book or Books to be signed by the Commissioners or their Quorum, and such Book or Books shall, on the Expiration of the Powers of the Commissioners, be lodged with Her Majesty's Clerk Register for *Scotland*, and shall be preserved among the Public Records, and a Duplicate shall be sent to each of the said Universities of the Rules, Statutes, and Ordinances applicable thereto, and such Rules, Statutes, and Ordinances shall be observed until the same be altered in manner herein-before provided.

Universities may sue and be sued under Titles herein named.

XXV. The said Universities may sue and be sued under the Style and Title of "The University of *St. Andrew's*," "The University of *Glasgow*," "The University of *Aberdeen*," and "The University of *Edinburgh*," respectively.

No Distinction to be henceforward recognized among Professors of Glasgow University.

XXVI. From and after the passing of this Act no Distinction shall be recognized among the Professors of the University of *Glasgow*, but the whole Professors thereof admitted to Chairs heretofore established or which may hereafter be established therein shall be deemed to be and shall be Professors of the University and College of *Glasgow*, and shall all equally exercise the whole Rights and Functions which have heretofore been exercised by any Portion of such Professors: Provided always, that no Claim is hereby given to any Participation in the Income or Emoluments already appropriated to existing Chairs in the said University and College.

Nothing in this Act to affect certain Trusts.

XXVII. Nothing in this Act contained shall be construed to affect any Trusts now vested in and administered by the Senatus Academicus of any University or College, or in the Principal and Professors, or any of them, for Purposes unconnected with such University or College; and any such Trusts as are now held and administered by the Senatus Academicus, or the Principal and Professors of the University and *King's College* of *Aberdeen*, or of *Marischal College* and University, for Purposes unconnected with such Universities and Colleges, shall from and after the Date at which this Act shall come into operation, as regards the University of *Aberdeen*, be vested in and administered by the Senatus Academicus of the University of *Aberdeen*; and any Trust now administered, in whole or in part, by the Principal of either of the said Universities and Colleges, or by any Professor or Professors thereof, shall from and after the Date aforesaid be in like Manner administered, in whole or in part, by the Principal of the University of *Aberdeen*, or, as the Case may be, by the Professor or Professors who in the said University shall hold the same Professorship as the said Professor or Professors of *King's College* or *Marischal College* respectively.

CAP. LXXXIV.

An Act for enabling the Commissioners of Public Works in *Ireland* to acquire certain Lands and Houses for the Site of a new Court or Courts, and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of *Dublin*; and for other Purposes.

[2d *August* 1858.]

'WHEREAS it is expedient to erect a new Court or Courts and other Offices and Buildings adjacent to and in Extension of the Four Courts in the City of *Dublin*, and to form a new Street in connexion therewith, and certain Lands and Houses situate in the Parish of *Saint Michan* in the said City would be a suitable Site for the Purposes aforesaid, which Lands and Houses are described in the Schedule to this Act, and delineated on a Plan thereof, of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of the City of *Dublin*: And whereas it is expedient that the Commissioners of Public Works should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said Lands and Houses; but the same cannot be effected without the Authority of Parliament:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the following Words and Expressions, if not inconsistent with the Context, shall have the Meaning herein-after assigned to them; (that is to say,)

The Word "Commissioners" shall mean the Commissioners of Public Works in *Ireland*, or any Two of them:

"Lord Lieutenant" shall mean the Chief Governor or Governors of *Ireland* for the Time being:

"Lands and Houses" or "Lands" shall mean and include Grounds, Houses, Tenements, Messuages, and Hereditaments, and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages as are authorized to be stopped up or enclosed under the Provisions of this Act, and all Public and Private Rights and Privileges in, over, or upon the same:

"Lease" shall include an Agreement for a Lease:

"Party" shall extend to and include the Commissioners.

Short Title.

II. This Act may be cited for all Purposes as "The Four Courts (*Dublin*) Extension Act, 1858."

III. The

III. The Provisions of "The Lands Clauses Consolidation Act, 1845," save and except such Parts thereof as relate to Compensation for any Damage or Injury to any Lands by reason of the Execution of any Works, shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act, and the said Act incorporated herewith, this Act shall be deemed to be the "Special Act"

Provisions of 8 & 9 Vict c 18 extended to this Act, so far as same may be applicable.

IV. The Commissioners of Public Works in *Ireland* for the Time being and their Successors shall, for the Purposes of this Act, be a Corporation, by the Name or Style of "The Commissioners of Public Works in *Ireland*," and by that Name, for the Purposes of this Act, shall have perpetual Succession and a Common Seal, to be by them made and from Time to Time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all Courts and before all Justices and others, and in that Capacity shall be deemed Promoters of the Undertaking authorized to be executed by this Act.

Commissioners of Public Works (Ireland) to be a Corporation for the Purposes of this Act.

V. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and they are hereby authorized, out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, or may be otherwise applicable thereto, to purchase, compulsorily or by Agreement, enter on, and hold, the whole or any Part of the Lands and Houses mentioned and described in the Schedule to this Act, and delineated on the Map or Plan deposited as aforesaid, which shall be required for the Purposes of this Act, and to pull down and remove the Buildings thereon when so purchased, and to erect and maintain on the Site of such Houses, or any Part thereof, or on the said Lands or any Part thereof, such new Court or Courts, Offices, and Buildings, with all necessary Enclosures and Erections, as they may, with the Sanction of the Commissioners of Her Majesty's Treasury, think proper and requisite for the Public Service, and, after the Completion of such Purchase, all Rights in, over, or affecting the said Lands and Houses shall be extinguished, and the said Lands shall be vested in the Commissioners in trust for Her Majesty, Her Heirs and Successors: Provided always, that it shall not be necessary for any Persons interested in the Lands so purchased to ascertain that such Consent has been given, nor shall the Commissioners be required to produce to any such Person any Evidence of such Consent.

Power to purchase Lands and Houses.

VI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands or Houses, or of the Owners, Lessees, and Occupiers of any Lands or Houses mentioned in the Schedule to this Act annexed, the Commissioners, after

Errors and Omissions in Schedule may be corrected by Two Justices, who may

certify the same.

after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands or Houses affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description, and such Certificate shall be deposited with the Clerk of the Peace for the County of the City of *Dublin*, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Schedule shall be deemed to be so corrected according to such Certificate, and the Commissioners may take any Lands or Houses in accordance with such Certificate, as if such Omission, Mis-statement, or erroneous Description had not been made.

Power to make Street according to Plans.

VII. 'Whereas Plans and Sections of the said new Street 'showing the Line and Level thereof have been deposited 'with the Clerk of the Peace for the County of the City of '*Dublin*:' Subject therefore to the Provisions in this Act and the Act incorporated herewith contained, it shall be lawful for the Commissioners to make the following Road, Street, or Carriageway, with all proper Works and Conveniences connected therewith, in the Lines delineated on the said Plans, and according to the Levels described on the said Section; that is to say, a Road, Street, or Carriageway commencing on the Western Side of *Greek Street*, in continuation of *Pill Lane*, and terminating on the Eastern Side of *Church Street Old*, with all necessary Approaches and Conveniences connected therewith, which Road, Street, or Carriageway and other Works will be situate in the Parish of *Saint Michan* in the City of *Dublin*.

As to Deviations from Plans.

VIII. It shall be lawful for the Commissioners to deviate from the Line of such Road, Street, or Carriageway delineated on the Plans so deposited, provided that no such Deviation shall extend beyond the Lands described upon the said Plans.

New Street to be kept in repair by the Persons liable to repair the Streets of the District.

IX. When and so soon as such Road, Street, or Carriageway shall have been made as aforesaid, the same shall for ever thereafter be maintained and kept in repair by and at the Expense of such Corporations or Persons as are liable to repair the Streets and Thoroughfares of the District in which such Road, Street, or Carriageway shall be situate.

Power to stop up or alter Streets and Ways.

X. It shall be lawful for the Commissioners to stop up, alter, or otherwise vary all such Streets, Courts, Alleys, Ways, Paths, or Passages connected with or adjoining the Lands and Houses authorized to be purchased as aforesaid as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Paths, or Passages, or Parts thereof respectively, as shall be so stopped up, altered, or

or otherwise varied, shall be and the same are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

XI. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Court or Courts, Offices, or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Streets may be raised or lowered.

XII. It shall be lawful for the Commissioners to stop up all or any of the Sewers, Drains, and Pipes on or near to, under, through, or over any of the Lands mentioned in the said Schedule, they, the said Commissioners, making, opening, or laying down another sufficient Sewer, Drain, or Pipe, when requisite, in lieu of the one stopped up.

Commissioners may stop up Sewers, &c.

XIII. It shall be lawful for the Commissioners, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down or removed, and the Monies produced by the Sale thereof, (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales,) and also the Rents and Profits of such Lands and Houses as may be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Power to sell Materials of Houses pulled down.

XIV. The Commissioners shall from Time to Time render such Accounts of all Monies which shall be received by them for the Purposes or under the Authority of this Act as they are now required to render of the Expenditure of other Public Monies received by them under the Provisions of any Act or Acts.

Commissioners to render Accounts.

XV. It shall be lawful for the Commissioners from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell or in any Manner dispose of all or any of the Lands and Houses purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes aforesaid.

Commissioners may sell surplus Lands.

XVI. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Powers for compulsory Purchases limited.

XVII. In order to acquire the said Lands and Houses without Delay, and at the least possible Expense, the Commissioners shall from Time to Time cause to be made out and to be signed by their Secretary, Maps or Plans and Schedules of the Lands and Houses for the Purchase of which or of all the several Interests in which the Commissioners shall not have contracted, together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands and Houses respectively, so far as the same can be reasonably ascertained; and every such Map or Plan shall be

Commissioners to deliver Maps, Schedules, and Estimates at Office of Under Secretary at Dublin Castle, and deposit Copies with Clerk of Peace.

upon a Scale of not less than One Inch to every Two hundred Feet, and all Lands, Buildings, Yards, and Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan herein-before referred to, showing the Lands and Houses required for the Site of the said intended Court or Courts, Offices, and Buildings, and the other Purposes connected therewith; and the Commissioners shall deposit such Maps or Plans and Schedules at the Office of the Chief or Under Secretary of the Lord Lieutenant, *Dublin Castle*, and a Copy of such Maps or Plans and Schedules with the Clerk of the Peace for the County of the City of *Dublin*.

Power to appoint a Valuator on Application to Commissioners.

XVIII. After such Deposit at the Office of the Chief or Under Secretary as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be a Valuator under this Act, and if any such Valuator die, or refuse or become incapable to act, the Lord Lieutenant may, as often as the same may happen, appoint a Valuator in his Place, who shall have the same Powers and Authorities as the Valuator first appointed.

Valuator may call for Documents and administer Oaths.

XIX. The Valuator may call for the Production of any Documents in the Possession or Power of the Commissioners, or of any Party making any Claim under the Provisions of this Act, which such Valuator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses and the Witnesses for the Commissioners on Oath, and administer the Oaths necessary for that Purpose.

Valuator, &c. to make and subscribe Declaration.

XX. Before any Valuator, or any Arbitrator or Umpire who may be appointed as herein-after provided, shall enter upon any Inquiry, he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration:

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of "The Four Courts (Dublin) Extension Act, 1858."

'Made and subscribed in the Presence of

And such Declaration when made shall be lodged with the Commissioners, and if any Valuator, Arbitrator, or Umpire, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c. deposited to be delivered to Valuator.

Notice of Appointment of Arbitrator, &c. to be published.

XXI. Upon the Appointment of a Valuator as aforesaid the Chief or Under Secretary of the Lord Lieutenant shall deliver to such Valuator the Maps or Plans and Schedules deposited at his Office, as herein-before required; and the Commissioners shall forthwith after such Appointment publish a Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace as aforesaid once in the *Dublin*

Dublin Gazette and once in each of Two successive Weeks in some One and the same Newspaper circulated in the County of the City of *Dublin*, stating, the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of this Act, and specified in such Maps and Plans, to deliver to the Valuator on or before a Day fixed by the Valuator, and named in such Notice (and which Day shall not be earlier than Seven Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Valuator in the Place of a Valuator dying or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Valuation which were in the Possession of such Valuator shall be delivered to the Valuator appointed in his Place, and the Commissioners shall publish a Notice of such Appointment in the *Dublin Gazette*.

Valuator to adjudicate upon Compensation to be paid for Lands and Houses.

XXII. The Valuator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests; and the Valuator shall, after due Inquiry and Examination, frame a Draft Award or Draft Awards setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified to be paid for the Purchase of any Rights or Interests in such Lands to which the Inquiry may relate; and such Draft Award or Awards and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans and Schedules as aforesaid; and the Valuator shall cause Notice of such Draft Award to be given to all Persons entitled to Payment under the same, where such Persons may be known to the Valuator, or who shall have been heard before such Valuator as Claimants for Compensation, and shall also cause Notice to be published of such Draft Award once in the *Dublin Gazette* and once in each of Two successive Weeks in some One and the same Newspaper circulated in the County of the City of *Dublin*, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against any such Draft Award (the first such Meeting to be not earlier than Ten Days after the First Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to any such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Valuator shall think fit, to a future Meeting, and may take any Measures which he may deem

deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he shall see Occasion so to do, appoint and hold further Meetings for hearing and determining Objections to any such Draft Award; and when the Valuator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly, and every such Award shall be binding and conclusive, subject to the Provisions herein-after contained, upon all Persons whomsoever, and no such Award shall be set aside for Irregularity in Matter of Form; and a Copy of every such Award shall be deposited with the Clerk of the Peace for the County of the City of *Dublin*, and the Commissioners shall thereupon publish Notice in some Paper circulated in the County of the City of *Dublin* once in each of Two successive Weeks of the Deposit of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands, the Price or Compensation to be paid in respect of which is ascertained by such Award, to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than Seven Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded.

Clerk of the Peace required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

XXIII. The Clerk of the Peace aforesaid is hereby required to retain the Documents to be deposited with him under this Act in his Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

Expenses of Valuator to be borne by the Commissioners.

XXIV. The Salary or Remuneration, Travelling and other Expenses, of the Valuator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into execution, shall be paid by the Commissioners.

Valuator to certify Amount of Costs, to be paid by Commissioners.

XXV. It shall be lawful for the Valuator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Valuation, and the Amount of the Costs so certified shall be paid by the Commissioners.

Receipts duly stamped to act as a Convey-

XXVI. In every Case in which any Monies are paid by the Commissioners under the Provisions of this Act for such Price or Compensation as aforesaid, the Party receiving such Monies

Monies may give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned therein as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest; and every such Receipt shall be prepared by and at the Costs of the Commissioners.

Payment of Monies where Parties making Claim deemed not entitled, or are under Disability, or Title not satisfactorily deduced.

XXVII. If it appear to the Commissioners from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title.

Commissioners may require further Evidence of Title at their own Costs.

XXVIII Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting any Lands included in such Award as aforesaid in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the Commissioners.

If either Party dissatisfied with Award of Valuator, Amount of Compensation to be settled by Arbitration.

XXIX. Where the Party claiming Compensation or the Commissioners shall be dissatisfied with the Award made by the Valuator, as herein-before mentioned, it shall be lawful for such Party or the Commissioners respectively, at any Time within Fourteen Days from and after the Deposit of such Award with the Clerk of the Peace as herein-before mentioned, to have the Question of Compensation settled by Arbitration upon either Party signifying such Desire by Notice in Writing to such other Party, and the Amount of Compensation so claimed shall in such Case be settled accordingly in the Manner provided in Sections Twenty-five to Thirty-seven inclusive of "The Lands Clauses Consolidation Act, 1845."

SCHE-

SCHEDULE.

The Parish of Saint Michan in the City of Dublin.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	King's Inns Quay.			
1	House - - -	Robert Jones Stavelly	Miles Kehoe - -	James Cooney.
2	House and Yard -	Robert Jones Stavelly	Miles Kehoe, Mathew Anderson, and Robert Campbell Lee.	Mathew Anderson and Robert Campbell Lee.
3	House, Stores, and small Yard.	Robert Jones Stavelly	Charles Hopes, Charles Hope, Thomas Saunders.	Thomas Saunders.
7	House (Law Chambers).	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Anthony O'Brien.	William Sullivan, Messrs. Tighe and McCready.
8	House (Law Chambers).	Same - -	Same - -	Mathew White, George Beamish, and Co.
9	House, Store, and Office.	Same - -	Nathaniel Callwell and Robert Callwell, John Doherty.	John Doherty.
10	House (Tavern) - -	Same - -	Nathaniel Callwell, Robert Callwell, Francis Codd and Joseph Lemass, Patrick Fottrell.	Joseph Lemass.
11	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, John Bergin.	John Bergin.
12	House (The Angel Hotel).	Same - -	Nathaniel Callwell, Robert Callwell, William Ternan, John Bergin.	John Bergin.
13	House and Shop -	Mrs. Emma Moore -	None - -	John Brereton.
14	House and Shop -	Same - -	None - -	John Fisher and Patrick D'Arcy.
15	House, Shop, and Yard.	Same - -	None - -	Johnston and Company.
15*a*	Open Passage at Rear of Houses.	The Hon. Society of King's Inns.	Nathaniel Callwell and Robert Callwell, Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.
	Morgan Place.			
1	House (Law Chambers).	Same - -	Nathaniel Callwell, Robert Callwell, Anthony O'Brien.	John McNally, T. Faussit, James Fenton, Henry E. Jones, and William A. Drinan.
2	House (Law Chambers).	The Hon. Society of King's Inns.	Anthony O'Brien -	Richard Rawson, Fergus Days.
3	Stable - - -	Board of Works -	None - -	Board of Works.
4	Bakers Committee House and Yard.	Mrs. Elizabeth Garde	John Robertson -	Bakers Committee.
5	House - - -	Mrs. Elizabeth Garde	Peter Hughes, John Robertson.	Peter Hughes.
	Church Street.			
2	House, Shop, and small Yard.	Arthur Barlow, Esq. -	William Geraghty -	William Geraghty.
3	House and small Yard	Same - -	None - -	John Doyle.
4	House and Yard -	Peter Barlow, Esq. -	James Kenny - -	James Kenny.
5	House and Yard -	Same - -	Same - -	Same.
6	House and Yard -	Same - -	Same - -	Same.
7	House and Yard -	John O'Connell, Esq., P. J. Kearney, and Miss Ellen Ryan.	None - -	Michael Brittain.
8	House, Shop, and Yard	Same - -	None - -	Same.
9	House and Yard -	Same - -	None - -	Anne Murphy.
10	House and Yard -	Same - -	None - -	Same.
11	House, Shop, Two Yards, and Three Stores.	Same - -	Daniel O'Donnell and Alicia Kelly.	Daniel O'Donnell and Alicia Kelly.

No on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Church Street—cont.			
12	House, Office, and Yard.	Alexander Talbot Eustace Mapas.	Mary Scally, Michael Kelly.	Michael Kelly.
13	House, Office, and Yard.	Mrs Clark and Mrs. Odlum.	None - -	Vacant.
14	House, Offices, and Yard.	Sarah Anne Scott and George Scott	Daniel Dillon - -	Daniel Dillon.
15	House, Office, and Yard.	Corporation of Dublin	Mary Scally - -	Mary Scally.
16	House, Offices, and Yard.	Corporation of Dublin	James Tyrrell - -	James Tyrrell.
17 & 18	Houses, Office, and Yard.	Corporation of Dublin	Francis Hargrave -	Francis Hargrave.
19	House, Office, and Yard.	Corporation of Dublin	James Maher - -	James Maher.
20	House, Office, and Yard.	Corporation of Dublin	Francis Hargrave -	Francis Hargrave.
21	House, Office, and Yard.	Alexander Talbot Eustace Mapas	Michael Clarke -	Michael Clarke.
22	House, Office, and Yard.	Alexander Talbot Eustace Mapas	Michael Clarke -	Michael Clarke.
22a	Offices and Yard -	Alexander Talbot Eustace Mapas.	Michael Clarke -	Michael Clarke.
23 & 24	House, Offices, and Yard.	Alexander Talbot Eustace Mapas.	Peter Mara - -	Peter Mara.
25	Building Ground -	William Crichton Chambers.	Martin Walter O'Byrne.	Vacant.
	Downes Court, or Michan's Villas.			
1	House - - - -	Corporation of Dublin	Francis Hargrave -	Francis Hargrave.
2	House - - -	Do. - -	Do. - -	
3	House and Yard -	Do. - -	Do. - -	
4	House - - - -	Do. - -	Do. - -	
5	House - - -	Do. - -	Do. - -	
6	House - - -	Do. - -	Do. - -	
7	House - - -	Do. - -	Do. - -	
8	House - - -	Do. - -	Do. - -	
	Chancery Place.			
1	House and Yard -	Robert Peel Dawson -	Thomas Duffy -	William Nerney.
2	House - - -	Same - -	Patrick Duff - -	Vacant.
3	House and Yard -	Same - -	John Wellington Pepper, Representative of Anastatia, Eleanor, and Mary Woods.	John Wellington Pepper.
4	House and Yard -	Same - -	John Moore, Representative of Ignatius Rossiter.	John Moore.
5	House - - -	Same - -	James Cooke - -	James Keegan.
6	House and Yard -	Same - -	Edward Drummond -	Edward Drummond.
7	House and small Yard	Same - -	Richard Seery -	John Kent.
8	House and small Yard	Same - -	None - -	Allan Bacchus.
9	House - -	Same - -	John Egan - -	John Egan.
10	House - - -	Same - -	John Hutton -	John Hutton.
	Mountrath Street.			
1	House - -	Sir Charles Coote, Bart.	George Robert Hoey, Viscount Frankfort.	John Flanagan.
2	House - - -	Same - -	Same - -	Same.
3	House - -	Same - -	Same - -	Same.
4	House and Yard -	Same - -	George Robert Hoey,	Charles, Samuel, and George Eastwood.
4½	House - - -	Same - -	George Robert Hoey, Charles, Samuel, and George Eastwood, Thomas Saunders	Thomas Saunders.
5	Yard - - -	Board of Works -	None - -	Board of Works.
6 & 7	House, Stores, and Yard.	Sir Charles Coote, Bart.	George Robert Hoey, Charles, Samuel, and George Eastwood, Edward Gatchell.	Edward Gatchell.
8	House - - -	Same - -	George Robert Hoey, Charles, Samuel, and George Eastwood, Caleb Palmer.	Do.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Mountrath Street—cont.			
9	House - - -	Sir Charles Coote, Bart.	Samuel Alker, Henry Gorman, Edward Gatchell.	Edward Gatchell.
10	House and small Yard	Sir Charles Coote, Bart.	Samuel Alker, Edward Gatchell.	Robert Orr and Michael Murphy, Official Assignees
11	House - - -	Robert Peel Dawson -	John Hutton - -	Peter Callaghan.
	Charles Street, West.			
20	House and Yard -	Sir Charles Coote, Bart.	Samuel Alker, Owen Beatty.	Owen Beatty.
21	House and Yard -	Same - -	Samuel Alker, George Robert Hoey, Patrick Curtin.	Patrick Curtin.
22	House and Yard -	Same - -	Samuel Alker -	Patrick Mitchell.
23	House and Yard -	Same - -	Miss A. M. A. McKay	John Flanagan.
24	House, Forge, and Yard.	Same - -	George R. Hoey, William Creighton Chambers, Patrick Curtin.	Patrick Curtin.
25	House, Forge, and Yard.	Same - -	G. R. Hoey, Michael Dalton.	Michael Dalton.
26	House - - -	Same - -	G. R. Hoey, Viscount Frankfort.	John Flanagan.
27	House - - -	Robert Peel Dawson -	John Hutton - -	Joseph Bowness.
28	House and Yard -	Robert Peel Dawson -	John Egan - -	John Egan.
29	House and small Yard	Same - -	None - -	John Hutton.
30	House and Yard -	Same - -	Richard Seery -	Richard Seery.
31	House and Yard -	Same - -	Edward Drummond -	Edward Drummond.
32	House and Yard -	Same - -	James Cooke - -	John Flanagan.
33	House and Yard -	Same - -	Peter Smith - -	Peter Smith.
34	House and Yard -	Same - -	Michael Dalton -	Michael Dalton.
35	House and Yard -	Same - -	Richard Seery -	Richard Seery.
36	House - -	Same - -	Thomas Duffy -	William Nerney.
37	House - -	Robert Jones Stavelly	Miles Kehoe - -	James Cooney.
	Pill Lane.			
27	House and Yard -	Rev. Nathaniel Poyntz	Mrs. Elizabeth Nash, Christopher Ryder, Nicholas Crinion.	Nicholas Crinion.
28	House, Office, and Yard.	Same - -	Nicholas Crinion -	Nicholas Crinion.
29	House and Office -	Miss Dora Anne Strahan.	John Wilson, John Scally.	John Scally.
29*a*	Office - -	Rev. Nathaniel Poyntz	Mrs. Jane Shell, William McKay, John Wilson, John Scally.	John Scally
30	House, Offices, and Yard, also Gateway under No. 4, Anderson's Court.	Dora Anne Strahan -	Elizabeth and Jane Blizard, Rebecca Wilson, John Wilson.	Rebecca Wilson.
31	House, Office, and Yard.	Miss Elizabeth Johnstone, Mrs. Jane Popham, Samuel Lane Popham.	John Wilson, Thomas Percival Swan, and Peter J. Kavanagh.	Peter J. Kavanagh, John Wilson and Son.
32	House - -	Isabella Tennant, Daniel Crosbie, Elizabeth and Louisa Crosbie.	Mary and Margaret Mackey.	Mary and Margare Mackey.
33*a* and 34	House, Office, and Yard.	Rev. James Hopkins -	James Woods, Robert Gatchell.	Robert Gatchell.
33*b*	Offices and Yard -	Rev. Nathaniel Poyntz	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.
33*c*	Offices - -	Same - -	Same - -	Same.
		(3, 4, and 5, Anderson's Court are included in the same Lease with 33*c*.)		
35	House, Offices, and Yard.	Sir Charles Domvile, Bart.	William North -	William North.
36	House, Offices, and Yard.	Daniel Crosbie, Elizabeth Crosbie, and Louisa Crosbie.	None - -	Vacant.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	Pill Lane—cont.			
37	House, Offices, and Yard.	William I. McCausland.	None	Margaret Finn, Mary Cavanagh, John Carton, Hugh Murray, Owen Brennan.
38 and 39	Houses, Office, and Yard.	Mary Tandy, Rev. Philip Smith, Isabella Smith, Frances George, George Cooper Stawell, Elizabeth Stawell, Samuel Garnett, and Mary Anne Garnett.	Michael Clarke	Michael Clarke.
40	Stores and Yard	James McCreight	None	Vacant.
41	Stores and Yard	Same	None	Vacant.
42	House, Offices, and Yard.	Same	None	Vacant.
43	House, Offices, and Yard.	Same	None	Vacant.
44	House and Yard	Same	None	Vacant.
45	House, Office, and Yard.	Same	None	Vacant.
46	House and Yard	Same	None	Vacant.
47	House and Yard	Same	None	Vacant.
48	House, Office, and Yard.	Mrs. Clarke and Mrs Odlum.	None	James Kavanagh.
49	House, Office, and Yard.	Same	None	Thomas Healy.
50	House, Office, and Yard.	Richard Bolton	Luke Dunn	Luke Dunn.
51	House, Office, and Yard.	Richard Bolton	None	Hugh Tighe.
52	House and Shop	John O'Connell, Esq., P. J. Kearney, and Miss Ellen Ryan.	None	Hugh Tighe.
53	House and Yard (Coal Store).	John O'Connell, Esq., P. J. Kearney, and Miss Ellen Ryan.	None	James Farrell.
54	House and small Yard	Same	None	Joseph Keely.
55	House and Shop	Same	None	James Mitchell.
56	House and Yard	Mrs. Elizabeth Garde	John Robertson	Laurence Smyth.
57	House and Shop and Yard.	Mrs. Elizabeth Garde	Peter Hughes, John Robertson.	Joseph Keely.
58	House	Sir Charles Coote, Bart.	Samuel Alker, Denis Drumgoole, Mathew Crinion.	Nicholas Crinion.
59	House and Yard	Same	Samuel Alker	Samuel Alker.
60	House and Yard	Same	Same	Same.
61	House, Stores, and small Yard.	Same	Same	Vacant.
62	House and Yard	Same	Same	Vacant.
62½	House	Same	Same	Samuel Alker.
63	House	Same	Same	James Brereton.
	Greek Street.			
32	Building Ground	Rev. Nathaniel Poyntz		Vacant.
34, 35, and 36	Office	Same	Mrs. Jane Shiel, William McKay, John Scally.	John Scally.
	Anderson's Court.			
1*a*	Building Ground, Yard, and Offices.	Rev. Nathaniel Poyntz	Mrs. Jane Sheil, Mrs. Elizabeth Murphy.	Mary Molloy.
1*b*	Building Ground and old Vault.	Same	Same	Vacant.
1*c*	Building Ground, Yard, and Offices.	Same	Mrs. Jane Sheil, Mrs. Elizabeth Murphy. Sir Thomas Whelan.	Mary Molloy.
2	Office and Yard	Same	Mrs. Jane Shiel	Vacant.
2*a*	House, Offices, and Yard.	Same	Mrs. Jane Shiel, John Scally.	John Scally.
3	Office	Same	Mrs. Jane Shiel, Robert Gatchell.	Robert Gatchell.

No on Plan	Description of Property.	Owners or reputed Owners	Lessees or reputed Lessees	Occupiers.
	Anderson's Court—cont			
4	House - -	Rev. Nathaniel Poyntz	Mrs Jane Shiel, Robert Gatchell.	Robert Gatchell.
5	House and Yard -	Same - -	Mrs Jane Shiel, Robert Gatchell.	Robert Gatchell.
	Streets to be taken			
	Morgan Place - Downe's Court - Anderson's Court - The Portion of Pill Lane lying between Greek Street and Church Street Mountrath Street - Chancery Place -	The Corporation of Dublin.	- - -	The Public.

CAP. LXXXV.

An Act to continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom. [2d *August* 1858.]

18 & 19 Vict. c. 1.

'WHEREAS an Act was passed in the Session holden in 'the Eighteenth and Nineteenth Years of Her Majesty, '"to enable Her Majesty to accept the Services of the Militia '"out of the United Kingdom for the vigorous Prosecution of '"the War:" And whereas the Provision of the said Act, 'enabling Her Majesty to accept the Services and to employ 'out of the United Kingdom such Part as therein mentioned 'of the Militia raised in the United Kingdom, and the other 'Provisions of the said Act, except Sections Fourteen, Fifteen, 'and Sixteen, may be deemed to have expired; and it is ex-'pedient that such Provisions should be revived and continued 'as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act revived and continued.

I. All the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty shall be revived and shall continue in force for the Term of Three Years after the passing of this Act; provided that this Act shall not affect or limit the Duration of Sections Fourteen and Fifteen, or of Section Sixteen, so far as the same has reference to the Two preceding Sections of the said Act.

CAP. LXXXVI.

An Act further to continue an Act to authorize the embodying of the Militia. [2d *August* 1858.]

20 & 21 Vict. c 82.

'WHEREAS by an Act of the last Session of Parliament, 'Chapter Eighty-two, it was enacted, that it should be 'lawful for Her Majesty, and for the Lord Lieutenant or other 'Chief

'Chief Governor or Governors of *Ireland*, respectively, at any 'Time after the passing of that Act, and before the Twenty-'fifth Day of *March* One thousand eight hundred and fifty-'eight, to cause all or any Part of the respective Militias in '*England*, *Scotland*, and *Ireland* to be drawn out and embodied 'in like Manner as in the respective Cases in which such 'Militias were then by Law authorized to be drawn out and 'embodied: And whereas by an Act of the present Session of 'Parliament the first-mentioned Act has been continued until 'the Twenty-fifth Day of *March* One thousand eight hundred 'and fifty-nine, and it is expedient that the said first-mentioned 'Act should be further continued, as herein-after mentioned:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 4.

I. All the Powers and Provisions of the said Act shall be continued and shall have Effect as if the Twenty-fifth Day of *March* One thousand eight hundred and sixty-one had been mentioned therein instead of the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight.

Powers of 20 & 21 Vict. c. 82. continued to 25th March 1861.

CAP. LXXXVII.

An Act to continue and amend the Corrupt Practices Prevention Act, 1854. [2d *August* 1858.]

'WHEREAS an Act was passed in the Session holden 'in the Seventeenth and Eighteenth Years of Her 'Majesty, Chapter One hundred and two, "to consolidate '"and amend the Laws relating to Bribery, Treating, and '"undue Influence at Elections of Members of Parliament;" 'and by an Act of the Session holden in the Nineteenth and 'Twentieth Years of Her Majesty, Chapter Eighty-four, the 'said first-mentioned Act was continued until the Tenth Day 'of *August* One thousand eight hundred and fifty-seven, and 'thenceforth to the End of the then next Session of Parlia-'ment: And whereas it is expedient that the said first-'mentioned Act should be further continued and amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 102.

I. It shall be lawful for any Candidate, or his Agent by him appointed in Writing according to the Provisions of the first-mentioned Act, to provide Conveyance for any Voter for the Purpose of polling at an Election and not otherwise, but it shall not be lawful to pay any Money or give any valuable Consideration to a Voter for or in respect of his Travelling Expenses for such Purpose; provided always, that a full, true, and particular Account of all Payments made for such Conveyance, signed by the Candidate or his Agents, shall be delivered to the Election

As to Travelling Expenses of Voters.

Auditor, with the Names and Addresses of the Persons to whom such Payments have been made; and the Amount of such Account shall be included in the general Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor.

Section 34 of 17 & 18 Vict. c. 102. amended as to further Remuneration of Election Auditors.

II. 'And whereas by Section Thirty-four of the said first-'mentioned Act the Election Auditor is entitled to receive, by 'way of Remuneration for his Services, Ten Pounds from each 'Candidate as and by way of First Fee, and a further Commis-'sion at the Rate of Two Pounds *per Centum* from each Can-'didate upon every Payment made by him for or in respect of 'any Bill, Charge, or Claim sent in to such Election Auditor 'as therein provided:' The said further Commission shall be payable only upon any Payment made by the Candidate as aforesaid over and above the Sum of Two hundred Pounds: Provided always, that the Election Auditor shall not be entitled to receive for such First Fee and further Commission more than the Sum of Twenty Pounds in the whole from each Candidate.

Definition of Candidates.

III. So much of Section Thirty-eight of the said first-mentioned Act as defines the Words "Candidate at an Election" shall be repealed; and in the Construction of the said Act as amended by this Act the Words "Candidate at an Election," and the Words "Candidate at any Election," shall include all Persons elected to serve in Parliament at such Election, and all Persons nominated as Candidates at such Election, or who shall have declared themselves Candidates on or after the Day of the issuing of the Writ for such Election, or after the Dissolution or Vacancy in consequence of which such Writ shall have been issued: Provided that nothing herein contained shall be construed to impose any Liability on any Person nominated without his Consent.

Election Auditor not to act as Election Agent.

IV. It shall not be lawful for the Election Auditor of any Borough or County, or his Partner or Agent, to act as Election Agent, or as paid Agent in any Capacity, or Canvasser, for any Candidate for such Borough or County.

Duration of Act.

V. The said first-mentioned Act as amended by this Act shall continue in force until the Tenth Day of *August* One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament.

CAP. LXXXVIII.

An Act to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors. [2d *August* 1858.]

14 & 15 Vict. c. 57.

'WHEREAS by the Provisions of an Act passed in the 'Session of Parliament holden in the Fourteenth and 'Fifteenth Years of the Reign of Her present Majesty, Chapter 'Fifty-seven,

'Fifty-seven, it was enacted, that the Lord Lieutenant of 'Ireland might nominate and appoint to the Office of Assistant 'Barrister for each and every County and Riding in *Ireland* a 'practising Barrister-at-Law of Ten Years standing at the least, 'who shall have actually practised Ten Years in Her Majesty's 'Superior Courts in *Dublin*, and shall not at the Time of his 'Appointment to such Office have retired from such Practice; 'and that every Assistant Barrister so appointed should hold his 'Office during good Behaviour, but that it should be lawful for 'Her Majesty to remove any such Assistant Barrister from his 'Office upon the Address of both Houses of Parliament; and 'that such Assistant Barristers should severally receive the 'annual Salaries in the Schedule to the said Act mentioned, 'according to the Classification of the County to which he was 'appointed; and that it should be lawful for Her Majesty to 'grant to any Person who shall have executed the Office of 'Assistant Barrister, and who shall have resigned the same, an 'Annuity or yearly Sum not exceeding Four hundred Pounds, 'provided he shall have continued in Office Twenty Years, or 'be afflicted with some permanent Infirmity disabling him from 'the due Execution of his Office: And whereas the said 'Annuity or Pension is disproportionate to the Salaries and 'Services of the Assistant Barrister of First and Second Class 'Counties, and by reason thereof no adequate Provision can be 'made for such of the Assistant Barristers as by reason of their 'advanced Age and lengthened Services may have become 'unable to discharge the Duties of their Office with the 'necessary Diligence and Efficiency, whereby the due Admin-'istration of Justice in the County Courts in *Ireland* is greatly 'hindered:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision for Retiring Pensions of Assistant Barristers.

I. It shall be lawful for Her Majesty and Her Successors, by any Letters Patent under the Great Seal of *Ireland*, to grant to any Person who shall have executed the Office of Assistant Barrister, within the Meaning of the said recited Act, for any County or Riding of a County in *Ireland*, and who shall have resigned the same, or been removed from the same for Infirmity, in manner herein-after mentioned, an Annuity or yearly Sum not exceeding Two Thirds of the annual Salary or Salaries or Emoluments to which the Person so resigning shall have been entitled immediately before his Resignation, the said Annuity or yearly Sum to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that no such Annuity or yearly Sum of Money shall be granted to any Assistant Barrister unless he shall have continued in Office Twenty Years, or be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant.

Power to remove Assistant Barristers on Certificate of Lord Chancellor for Inability.

II. For and notwithstanding anything contained in the said recited Act, if it shall appear to the Lord Chancellor of *Ireland* (for the Time being) that any Assistant Barrister within the Meaning of the said Act shall be incapable of discharging his Duty therein in Person by reason of permanent Infirmity, it shall and may be lawful for the said Lord Chancellor to certify the same to the Lord Lieutenant of *Ireland*, whereupon it may be lawful for the said Lord Lieutenant, by Order in Council, on hearing what may be offered by or on behalf of such Assistant Barrister with reference to the Matter of such Certificate, Care being taken that all the Members of the said Council then resident in the County and City of *Dublin* be summoned to attend, by a Notice stating the Case or Cases to be considered, such Notice to be transmitted to each of the said Council as aforesaid at least Seven Days before such Meeting, to remove such Assistant Barrister from his Office; so nevertheless that no such Removal shall take place except in Term Time: Provided, that, save as aforesaid, Assistant Barristers shall hold their Office during good Behaviour, and that, notwithstanding such Power of Removal herein-before vested in the Lord Lieutenant of *Ireland*, any Assistant Barrister may be removed by the Crown on Addresses from both Houses of Parliament, in manner provided by the said recited Act.

Style of Assistant Barrister after passing of this Act.

III. After the passing of this Act every Assistant Barrister of a County in *Ireland* shall be styled Chairman of the Quarter Sessions of the County to which he may be attached as such Assistant Barrister.

CAP. LXXXIX.

An Act to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland*.

[2d *August* 1858.]

55 G. 3, c. 69.

20 & 21 Vict. c. 71.

'WHEREAS by an Act of the Fifty-fifth Year of His Majesty King *George* the Third, intituled *An Act to regulate Madhouses in* Scotland, Sheriffs of Counties are authorized to grant Licences for the Reception and Confinement of Lunatics, and have been in use to license separate Portions or Wards of Poorhouses for the Reception of Pauper Lunatics: And whereas by an Act passed in the last Session of Parliament, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in* Scotland, District Asylums are appointed to be erected for the Reception of Lunatics; and it is expedient that Provision should be made for the Custody of such Pauper Lunatics till such District Asylums shall be ready for their Reception:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the General Board of Commissioners in Lunacy for *Scotland* to grant to the Governors or Keepers of Poorhouses Licences for the Reception of Pauper Lunatics in Wards set apart for that Purpose, or in detached or separate Portions of such Poorhouses, and from Time to Time to renew or withdraw such Licences; and it shall also be lawful for Sheriffs of Counties to grant Orders for the Reception and Confinement of such Lunatics in the Wards or Portions of Poorhouses so set apart and licensed, subject always to such Rules, Regulations, and Restrictions as may be framed by the said General Board of Commissioners in Lunacy for the Reception and Treatment of Patients in such Wards or Portions of Poorhouses consistently with the Provisions of the said last-recited Act in regard to private Asylums. As to Reception, &c. of Pauper Lunatics in Poorhouses.

II. This Act shall continue in force for Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and no longer. Term of Act.

CAP. XC.

An Act to regulate the Qualifications of Practitioners in Medicine and Surgery. [2d *August* 1858.]

'WHEREAS it is expedient that Persons requiring Medical 'Aid should be enabled to distinguish qualified from 'unqualified Practitioners:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may for all Purposes be cited as "The Medical Act." Short Title.

II. This Act shall commence and take effect from the First Day of *October* One thousand eight hundred and fifty-eight. Commencement of Act.

III. A Council which shall be styled "The General Council of Medical Education and Registration of the United Kingdom," herein-after referred to as the General Council, shall be established, and Branch Councils for *England*, *Scotland*, and *Ireland* respectively formed thereout as herein-after mentioned. Medical Council.

IV. The General Council shall consist of One Person chosen from Time to Time by each of the following Bodies; (that is to say,) Members of Council.

The Royal College of Physicians:
The Royal College of Surgeons of *England*:
The Apothecaries Society of *London*:
The University of *Oxford*:
The University of *Cambridge*:
The University of *Durham*:
The University of *London*:
The College of Physicians of *Edinburgh*:

The College of Surgeons of *Edinburgh:*
The Faculty of Physicians and Surgeons of *Glasgow:*
One Person chosen from Time to Time by the University of *Edinburgh* and the Two Universities of *Aberdeen* collectively:
One Person chosen from Time to Time by the University of *Glasgow* and the University of *Saint Andrew's* collectively:
One Person chosen from Time to Time by each of the following Bodies:
The King and Queen's College of Physicians in *Ireland:*
The Royal College of Surgeons in *Ireland:*
The Apothecaries Hall of *Ireland:*
The University of *Dublin:*
The Queen's University in *Ireland:*

And Six Persons to be nominated by Her Majesty with the Advice of Her Privy Council, Four of whom shall be appointed for *England*, One for *Scotland*, and One for *Ireland;* and of a President, to be elected by the General Council.

Provision in case certain Universities fail to appoint a Person to represent them.

V. If the said Universities of *Edinburgh* and *Aberdeen*, of *Glasgow* and *Saint Andrew's* respectively, shall not be able to agree upon some One Person to represent them in the Council, it shall be lawful for each One of the said Universities to select One Person; and thereupon it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to appoint One of the Persons so selected to be a Member of the said Council for the said Universities

Branches of the Council for England, Scotland, and Ireland.

VI. The Members chosen by the Medical Corporations and Universities of *England*, *Scotland*, and *Ireland* respectively, and the Members nominated by Her Majesty, with the Advice of Her Privy Council, for such Parts respectively of the United Kingdom, shall be the Branch Councils for such Parts respectively of the United Kingdom, to which Branch Councils shall be delegated such of the Powers and Duties vested in the Council as the Council may see fit other than the Power to make Representations to Her Majesty in Council as hereinafter mentioned. The President shall be a Member of all the Branch Councils

Qualification.

VII. Members of the General Council representing the Medical Corporations must be qualified to be registered under this Act.

Resignation or Death of Member of General Council

VIII. The Members of the General Council shall be chosen and nominated for a Term not exceeding Five Years, and shall be capable of Re-appointment, and any Member may at any Time resign his Appointment by Letter addressed to the President of the said Council, and upon the Death or Resignation of any Member of the said Council, some other Person shall be constituted a Member of the said Council in his Place in manner herein-before provided, but it shall be lawful for the Council during such Vacancy to exercise the Powers hereinafter mentioned

IX. The

IX. The General Council shall hold their First Meeting within Three Months from the Commencement of this Act, in such Place and at such Time as One of Her Majesty's Principal Secretaries of State shall appoint, and shall make such Rules and Regulations as to the Times and Places of the Meetings of the General Council, and the Mode of summoning the same, as to them shall seem expedient, which Rules and Regulations shall remain in force until altered at any subsequent Meeting; and in the Absence of any Rule or Regulation as to the summoning a Meeting of the General Council, it shall be lawful for the President to summon a Meeting at such Time and Place as to him shall seem expedient by Letter addressed to each Member; and at every Meeting, in the Absence of the President, some other Member to be chosen from the Members present shall act as President; and all Acts of the General Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number present not being less than Eight, and at all such Meetings the President for the Time being shall, in addition to his Vote as a Member of the Council, have a Casting Vote, in case of an Equality of Votes; and the General Council shall have Power to appoint an Executive Committee out of their own Body, of which the Quorum shall not be less than Three, and to delegate to such Committee such of the Powers and Duties vested in the Council as the Council may see fit, other than the Power of making Representations to Her Majesty in Council as hereinafter mentioned.

Time and Place of Meeting of the General Council.

X. The General Council shall appoint a Registrar, who shall act as Secretary of the General Council, and who may also act as Treasurer, unless the Council shall appoint another Person or other Persons as Treasurer or Treasurers; and the Person or Persons so appointed shall likewise act as Registrar for *England*, and as Secretary and Treasurer or Treasurers, as the Case may be, for the Branch Council for *England*; the General Council and Branch Council for *England* shall also appoint so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed by any Council shall be removable at the Pleasure of that Council, and shall be paid such Salary as the Council by which he was appointed shall think fit.

Appointment of Registrars and other Officers.

XI. The Branch Councils for *Scotland* and *Ireland* shall each respectively in like Manner appoint a Registrar and other Officers and Clerks, who shall be paid such Salaries as such Branch Councils respectively shall think fit, and be removable at the Pleasure of the Council by which they were appointed; and the Person appointed Registrar shall also act as Secretary to the Branch Council, and may also act as Treasurer, unless the Council shall appoint some other Person or Persons as Treasurer or Treasurers.

Appointment of Registrars and other Officers by Branch Councils.

XII. There shall be paid to the Members of the Councils such Fees for Attendance and such reasonable Travelling

Fees for Attendance at Councils.

Expenses as shall from Time to Time be allowed by the General Council and approved by the Commissioners of Her Majesty's Treasury.

Expenses of the Councils.

XIII. All Monies payable to the respective Councils shall be paid to the Treasurers of such Councils respectively, and shall be applied to defray the Expenses of carrying this Act into execution in manner following; that is to say, separate Accounts shall be kept of the Expenses of the General Council, and of those of the Branch Councils; and the Expenses of the General Council, including those of keeping, printing, and publishing the Register for the United Kingdom, shall be defrayed, under the Direction of the General Council, by means of an equal Per-centage Rate upon all Monies received by the several Branch Councils; Returns shall be made by the Treasurers of the respective Branch Councils, at such Times as the General Council shall direct, of all Monies received by them; and the necessary Per-centage having been computed by the General Council, the respective Contributions shall be paid by the Treasurers of such Branch Councils to the Treasurer or Treasurers of the General Council; and the Expenses of the Branch Councils shall be defrayed, under the Direction of those Councils respectively, out of the Residue of the Monies so received as aforesaid.

Duty of Registrar to keep the Register correct.

XIV. It shall be the Duty of the Registrars to keep their respective Registers correct in accordance with the Provisions of this Act, and the Orders and Regulations of the General Council, and to erase the Names of all registered Persons who shall have died, and shall from Time to Time make the necessary Alterations in the Addresses or Qualifications of the Persons registered under this Act; and to enable the respective Registrars duly to fulfil the Duties imposed upon them it shall be lawful for the Registrar to write a Letter to any registered Person, addressed to him according to his Address on the Register, to inquire whether he has ceased to practise, or has changed his Residence, and if no Answer shall be returned to such Letter within the Period of Six Months from the sending of the Letter it shall be lawful to erase the Name of such Person from the Register; provided always, that the same may be restored by Direction of the General Council should they think fit to make an Order to that Effect.

Registration of Persons now qualified, and of Persons hereafter becoming qualified.

XV. Every Person now possessed, and (subject to the Provisions herein-after contained) every Person hereafter becoming possessed, of any One or more of the Qualifications described in the Schedule (A.) to this Act, shall, on Payment of a Fee not exceeding Two Pounds, in respect of Qualifications obtained before the First Day of *January* One thousand eight hundred and fifty-nine, and not exceeding Five Pounds in respect of Qualifications obtained on or after that Day, be entitled to be registered on producing to the Registrar of the Branch Council for *England*, *Scotland*, or *Ireland* the Document conferring or evidencing the Qualification or each of the Qualifications in respect

respect whereof he seeks to be so registered, or upon transmitting by Post to such Registrar Information of his Name and Address, and Evidence of the Qualification or Qualifications in respect whereof he seeks to be registered, and of the Time or Times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several Colleges and other Bodies mentioned in the said Schedule (A.) to transmit from Time to Time to the said Registrar Lists certified under their respective Seals of the several Persons who, in respect of Qualifications granted by such Colleges and Bodies respectively, are for the Time being entitled to be registered under this Act, stating the respective Qualifications and Places of Residence of such Persons; and it shall be lawful for the Registrar thereupon, and upon Payment of such Fee as aforesaid in respect of each Person to be registered, to enter in the Register the Persons mentioned in such Lists, with their Qualifications and Places of Residence as therein dated, without other Application in relation thereto.

Council to make Orders for regulating Registers to be kept.

XVI. The General Council shall, with all convenient Speed after the passing of this Act, and from Time to Time as Occasion may require, make Orders for regulating the Registers to be kept under this Act as nearly as conveniently may be in accordance with the Form set forth in Schedule (D.) to this Act, or to the like Effect.

Persons practising in England before 1st August 1815 entitled to be registered.

XVII. Any Person who was actually practising Medicine in *England* before the First Day of *August* One thousand eight hundred and fifteen shall, on Payment of a Fee to be fixed by the General Council, be entitled to be registered on producing to the Registrar of the Branch Council for *England*, *Scotland*, or *Ireland* a Declaration according to the Form in the Schedule (B.) to this Act signed by him, or upon transmitting to such Registrar Information of his Name and Address, and enclosing such Declaration as aforesaid.

Council may require Information as to Course of Study, &c., required for obtaining Qualifications.

XVIII. The several Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act shall from Time to Time, when required by the General Council, furnish such Council with such Information as they may require as to the Courses of Study and Examinations to be gone through in order to obtain the respective Qualifications mentioned in Schedule (A.) to this Act, and the Ages at which such Courses of Study and Examination are required to be gone through, and such Qualifications are conferred, and generally as to the Requisites for obtaining such Qualifications; and any Member or Members of the General Council, or any Person or Persons deputed for this Purpose by such Council, or by any Branch Council, may attend and be present at any such Examinations.

Colleges may unite in conducting Examinations.

XIX. Any Two or more of the Colleges and Bodies in the United Kingdom mentioned in Schedule (A.) to this Act may, with the Sanction and under the Directions of the General Council, unite or co-operate in conducting the Examinations required for Qualifications to be registered under this Act.

XX. In

Defects in the Course of Study or Examinations may be represented by General Council to Privy Council.

XX. In case it appear to the General Council that the Course of Study and Examinations to be gone through in order to obtain any such Qualification from any such College or Body are not such as to secure the Possession by Persons obtaining such Qualification of the requisite Knowledge and Skill for the efficient Practice of their Profession, it shall be lawful for such General Council to represent the same to Her Majesty's most Honourable Privy Council.

Privy Council may suspend the Right of Registration in respect of Qualifications granted by College, &c. in default.

XXI. It shall be lawful for the Privy Council, upon any such Representation as aforesaid, if it see fit, to order that any Qualification granted by such College or Body, after such Time as may be mentioned in the Order, shall not confer any Right to be registered under this Act: Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, when it is made to appear to Her, upon further Representation from the General Council or otherwise, that such College or Body has made effectual Provision, to the Satisfaction of such General Council, for the Improvement of such Course of Study or Examinations, or the Mode of conducting such Examinations, to revoke any such Order.

Persons not to be registered in respect of Qualifications granted by the College Body before Revocation.

XXII. After the Time mentioned in this Behalf in any such Order in Council no Person shall be entitled to be registered under this Act in respect of any such Qualification as in such Order mentioned, granted by the College or Body to which such Order relates, after the Time therein mentioned, and the Revocation of any such Order shall not entitle any Person to be registered in respect of any Qualification granted before such Revocation.

Privy Council may prohibit Attempts to impose Restrictions as to any Theory of Medicine or Surgery by Bodies entitled to grant Certificates.

XXIII. In case it shall appear to the General Council that an Attempt has been made by any Body, entitled under this Act to grant Qualifications, to impose upon any Candidate offering himself for Examination an Obligation to adopt or refrain from adopting the Practice of any particular Theory of Medicine or Surgery, as a Test or Condition of admitting him to Examination or of granting a Certificate, it shall be lawful for the said Council to represent the same to Her Majesty's most Honourable Privy Council, and the said Privy Council may thereupon issue an Injunction to such Body so acting, directing them to desist from such Practice; and in the event of their not complying therewith, then to order that such Body shall cease to have the Power of conferring any Right to be registered under this Act so long as they shall continue such Practice.

As to the making and Authentication of Orders, &c.

XXIV. All Powers vested in the Privy Council by this Act may be exercised by any Three or more of the Lords and others of the Privy Council, the Vice-President of the Committee of the said Privy Council on Education being One of them; and all Orders and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf;

Behalf; and all Orders and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council; and every such Document shall be received in Evidence in all Courts, and before all Justices and others, without Proof of the Authority or Signature of such Clerk or other Officer or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

As to Registration by Branch Registrars.

XXV. Where any Person entitled to be registered under this Act applies to the Registrar of any of the said Branch Councils for that Purpose, such Registrar shall forthwith enter in a Local Register in the Form set forth in Schedule (D.) to this Act, or to the like Effect, to be kept by him for that Purpose, the Name and Place of Residence, and the Qualification or several Qualifications in respect of which the Person is so entitled, and the Date of the Registration, and shall, in the Case of the Registrar of the Branch Council for *Scotland* or *Ireland*, with all convenient Speed send to the Registrar of the General Council a Copy, certified under the Hand of the Registrar, of the Entry so made, and the Registrar of the General Council shall forthwith cause the same to be entered in the General Register; and such Registrar shall also forthwith cause all Entries made in the Local Register for *England* to be entered in the General Register; and the Entry on the General Register shall bear Date from the Local Register.

Evidence of Qualification to be given before Registration.

XXVI. No Qualification shall be entered on the Register, either on the First Registration or by way of Addition to a registered Name, unless the Registrar be satisfied by the proper Evidence that the Person claiming is entitled to it; and any Appeal from the Decision of the Registrar may be decided by the General Council, or by the Council for *England*, *Scotland*, or *Ireland* (as the Case may be); and any Entry which shall be proved to the Satisfaction of such General Council or Branch Council to have been fraudulently or incorrectly made may be erased from the Register by Order in Writing of such General Council or Branch Council.

Register to be published.

XXVII. The Registrar of the General Council shall in every Year cause to be printed, published, and sold, under the Direction of such Council, a correct Register of the Names in alphabetical Order according to the Surnames, with the respective Residences, in the Form set forth in Schedule (D.) to this Act, or to the like Effect, and Medical Titles, Diplomas, and Qualifications conferred by any Corporation or University, or by Doctorate of the Archbishop of *Canterbury*, with the Dates thereof, of all Persons appearing on the General Register as existing on the First Day of *January* in every Year, and such Register shall be called "The Medical Register;" and a Copy of the Medical Register for the Time being, purporting to be so printed and published as aforesaid, shall be Evidence in all Courts and before all Justices of the Peace and others that the

the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act: Provided always, that in the Case of any Person whose Name does not appear in such Copy, a certified Copy, under the Hand of the Registrar of the General Council or of any Branch Council, of the Entry of the Name of such Person on the General or Local Register shall be Evidence that such Person is registered under the Provisions of this Act.

Names of Members struck off from List of College, &c. to be signified to General Council.

XXVIII. If any of the said Colleges or the said Bodies at any Time exercise any Power they possess by Law of striking off from the List of such College or Body the Name of any One of their Members, such College or Body shall signify to the General Council the Name of the Member so struck off; and the General Council may, if they see fit, direct the Registrar to erase forthwith from the Register the Qualification derived from such College or Body in respect of which such Member was registered, and the Registrar shall note the same therein: Provided always, that the Name of no Person shall be erased from the Register on the Ground of his having adopted any Theory of Medicine or Surgery.

Medical Practitioners convicted of Felony may be struck off the Register.

XXIX. If any registered Medical Practitioner shall be convicted in *England* or *Ireland* of any Felony or Misdemeanor, or in *Scotland* of any Crime or Offence, or shall after due Inquiry be judged by the General Council to have been guilty of infamous Conduct in any professional Respect, the General Council may, if they see fit, direct the Registrar to erase the Name of such Medical Practitioner from the Register.

Registered Persons may have subsequent Qualifications inserted in the Register.

XXX. Every Person registered under this Act who may have obtained any higher Degree or any Qualification other than the Qualification in respect of which he may have been registered, shall be entitled to have such higher Degree or additional Qualification inserted in the Register in substitution for or in addition to the Qualification previously registered, on Payment of such Fee as the Council may appoint.

Privileges of registered Persons.

XXXI. Every Person registered under this Act shall be entitled according to his Qualification or Qualifications to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of Her Majesty's Dominions, and to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other Medical or Surgical Appliances rendered or supplied by him to his Patients: Provided always, that it shall be lawful for any College of Physicians to pass a Byelaw to the effect that no one of their Fellows or Members shall be entitled to sue in manner aforesaid in any Court of Law, and thereupon such Byelaw may be pleaded in bar to any Action for the Purposes aforesaid commenced by any Fellow or Member of such College.

XXXII. After

XXXII. After the First Day of *January* One thousand eight hundred and fifty-nine, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine which he shall have both prescribed and supplied, unless he shall prove upon the Trial that he is registered under this Act.

None but registered Persons to recover Charges.

XXXIII. Provided also, That no Person who on the First of *October* One thousand eight hundred and fifty-eight shall be acting as Medical Officer under an Order of the Poor Law Commissioners or Poor Law Board shall be disqualified to hold such Office by reason of his not being registered as herein required, unless he shall have failed to be registered within Six Months from the passing of this Act.

Poor Law Medical Officers not disqualified if registered within Six Months of passing of Act.

XXXIV. After the First Day of *January* One thousand eight hundred and fifty-nine, the Word "legally qualified Medical Practitioner," or "duly qualified Medical Practitioner," or any Words importing a Person recognized by Law as a Medical Practitioner or Member of the Medical Profession, when used in any Act of Parliament, shall be construed to mean a Person registered under this Act.

Meaning of Terms "legally qualified Medical Practitioner," &c.

XXXV. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all corporate, parochial, Ward, Hundred, and Township Offices, and from serving in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Registered Persons exempted from serving on Juries, &c.

XXXVI. After the First Day of *January* One thousand eight hundred and fifty-nine, no Person shall hold any Appointment as a Physician, Surgeon, or other Medical Officer either in the Military or Naval Service, or in Emigrant or other Vessels, or in any Hospital, Infirmary, Dispensary, or Lying-in Hospital, not supported wholly by voluntary Contributions, or in any Lunatic Asylum, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other Public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or old Age, or as a Medical Officer of Health, unless he be registered under this Act: Provided always, that nothing in this Act contained shall extend to repeal or alter any of the Provisions of the Passengers Act, 1855.

Unregistered Persons not to hold certain Appointments.

XXXVII. After the First Day of *January* One thousand eight hundred and fifty-nine, no Certificate required by any Act now in force, or that may hereafter be passed, from any Physician, Surgeon, Licentiate in Medicine and Surgery, or other Medical Practitioner, shall be valid unless the Person signing the same be registered under this Act.

No Certificate to be valid unless Person signing be registered.

XXXVIII. Any Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register

Penalty on wilful Falsification of Register.

Register shall be deemed guilty of a Misdemeanor in *England* or *Ireland*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be imprisoned for any Term not exceeding Twelve Months.

Penalty for obtaining Registration by false Representations.

XXXIX. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall be deemed guilty of a Misdemeanor in *England* and *Ireland*, and in *Scotland* of a Crime or Offence punishable by Fine or Imprisonment, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding Twelve Months.

Penalty for falsely pretending to be a registered Person.

XL. Any Person who shall wilfully and falsely pretend to be or take or use the Name or Title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, General Practitioner or Apothecary, or any Name, Title, Addition, or Description implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Licentiate in Medicine and Surgery, or a Practitioner in Medicine, or an Apothecary, shall, upon a summary Conviction for any such Offence, pay a Sum not exceeding Twenty Pounds.

Recovery of Penalties.

XLI. Any Penalty to which under this Act any Person is liable on summary Conviction of any Offence may be recovered as follows; (that is to say,) in *England*, in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in *Ireland* in manner directed by "The Petty Sessions (*Ireland*) Act, 1851," or any other Act for the Time being in force in *England* and *Ireland* respectively for the like Purposes; and any such Penalty may in *Scotland* be recovered by the Procurator Fiscal of the County, or by any other Person before the Sheriff or Two Justices, who may proceed in a summary Way and grant Warrant for bringing the Party complained against before him or them, or issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order, and every such Order shall be served on the Party by delivering to him in Person or by leaving at his usual Place of Abode a Copy of such Order and of the Complaint whereupon the same has proceeded, and upon the Appearance or Default to appear of the Party, it shall be lawful for the Sheriff or Justices to proceed to the hearing of the Complaint, and upon Proof on Oath or Confession of the Offence, the Sheriff or Justices shall without any written Pleadings or Record of Evidence commit the Offender and decern him to pay the Penalty named as well as such Expenses as the Sheriff or Justices shall think fit, and failing Payment shall grant Warrant for Recovery thereof by Poinding and Imprisonment, such Imprisonment to be for such Period as the Discretion of the Sheriff or Justices may direct, not

not exceeding Three Calendar Months, and to cease on Payment of the Penalty and Expenses.

Application of Penalties.

XLII. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the General Council.

Application of Monies received by Treasurer

XLIII. All Monies received by any Treasurer arising from Fees to be paid on Registration, from the Sale of Registers, from Penalties, or otherwise, shall be applied for Expenses of Registration and of the Execution of this Act.

Accounts to be published.

XLIV. The Treasurers of the General and Branch Councils shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall be submitted by them to the respective General Council and Branch Councils at such Times as the Councils shall require; and the said Accounts shall be published annually, and such Accounts shall be laid before both Houses in the Month of *March* in every Year, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Notice of Death of Medical Practitioners to be given by Registrars.

XLV. Every Registrar of Deaths in the United Kingdom on receiving Notice of the Death of any Medical Practitioner shall forthwith transmit by Post to the Registrar of the General Council and to the Registrar of the Branch Council a Certificate under his own Hand of such Death, with the Particulars of Time and Place of Death, and may charge the Cost of such Certificate and Transmission as an Expense of his Office, and on the Receipt of such Certificate the Medical Registrar shall erase the Name of such deceased Medical Practitioner from the Register.

Provision for Persons practising in the Colonies and elsewhere, and for Students.

XLVI. It shall be lawful for the General Council by Special Orders to dispense with such Provisions of this Act or with such Part of any Regulations made by its Authority as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than *Great Britain* and *Ireland* by virtue of any of the Qualifications described in Schedule (A.); and also in favour of Persons practising Medicine or Surgery within the United Kingdom on Foreign or Colonial Diplomas or Degrees before the passing of this Act; and also in favour of any Persons who have held Appointments as Surgeons or Assistant Surgeons in the Army, Navy, or Militia, or in the Service of the *East India* Company, or are acting as Surgeons in the public Service, or in the Service of any Charitable Institutions, and also, so far as to the Council shall seem expedient, in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

New Charter may be granted to the College of Physicians of London.

XLVII. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of *London* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *England*," and to make such Alterations in the Constitution of the same Corporation

ration as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation, except the Charter granted by King *Henry* the Eighth, and shall also operate as a Surrender of such Charter, and of any Rights, Powers, or Privileges conferred by or enjoyed under an Act of the Session holden in the Fourteenth and Fifteenth Years of King *Henry* the Eighth, Chapter Five, confirming the same, as far as such Charter and Act respectively may be inconsistent with such new Charter: Provided nevertheless, that within Twelve Months after the granting of such Charter to the College of Physicians of *London*, any Fellow, Member, or Licentiate of the Royal College of Physicians of *Edinburgh*, or of the Queen's College of Physicians of *Ireland*, who may be in practice as a Physician in any Part of the United Kingdom called *England*, and who may be desirous of becoming a Member of such College of Physicians of *England*, shall be at liberty to do so, and be entitled to receive the Diploma of the said College, and to be admitted to all the Rights and Privileges thereunto appertaining, on the Payment of a Registration Fee of Two Pounds to the said College.

Her Majesty may grant Power to College of Surgeons to institute Examinations, &c. for Dentists.

XLVIII. It shall, notwithstanding anything herein contained, be lawful for Her Majesty, by Charter, to grant to the Royal College of Surgeons of *England* Power to institute and hold Examinations for the Purpose of testing the Fitness of Persons to practise as Dentists who may be desirous of being so examined, and to grant Certificates of such Fitness.

New Charter may be granted to College of Physicians of Edinburgh.

XLIX. It shall be lawful for Her Majesty to grant to the Corporation of the Royal College of Physicians of *Edinburgh* a new Charter, and thereby to give to the said College of Physicians the Name of "The Royal College of Physicians of *Scotland*," and it shall be lawful for the said Royal College of Physicians, under their Common Seal, to accept such new Charter, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to the said Corporation.

The Faculty at Glasgow may be amalgamated.

L. If at any future Period the Royal College of Surgeons of *Edinburgh* and Faculty of Physicians and Surgeons of *Glasgow* agree to amalgamate, so as to form One united Corporation, under the Name of "The Royal College of Surgeons of *Scotland*," it shall be lawful for Her Majesty to grant, and for such College and Faculty under their respective Common Seals to accept, such new Charter or Charters as may be necessary for effecting such Union, and such Acceptance shall operate as a Surrender of all Charters heretofore granted to such College and Faculty; and in the event of such Union it shall be competent for the said College and Faculty to make such Arrangements as to the Time and Place of their Examinations as they may agree upon, these Arrangements being in conformity with the Provisions of this Act, and subject to the Approval of the General Council.

LI. It

LI. It shall be lawful for Her Majesty to grant to the Corporation of the King and Queen's College of Physicians in *Ireland* a new Charter, and thereby to give to such Corporation the Name of "The Royal College of Physicians of *Ireland*," and to make such Alterations in the Constitution of the said Corporation as to Her Majesty may seem expedient; and it shall be lawful for the said Corporation to accept such Charter under their Common Seal, and such Acceptance shall operate as a Surrender of the Charter granted by King *William* and Queen *Mary*, so far as it may be inconsistent with such new Charter.

New Charter may be granted to the King and Queen's College of Physicians in Ireland.

LII. Provided always, That nothing herein contained shall extend to authorize Her Majesty to create any new Restriction in the Practice of Medicine or Surgery, or to grant to any of the said Corporations any Powers or Privileges contrary to the Common Law of the Land or to the Provisions of this Act, and that no such new Charter shall in anywise prejudice, affect, or annul any of the existing Statutes or Byelaws of the Corporations to which the same shall be granted, further than shall be necessary for giving full Effect to the Alterations which shall be intended to be effected by such new Charters and by this Act in the Constitution of such Corporation.

Charters not to contain new Restrictions in the Practice of Medicine, or Surgery.

LIII. The Enactments and Provisions of the University of *London* Medical Graduates Act, 1854, shall be deemed and construed to have applied and shall apply to the University of *London* for the Time being, notwithstanding the Surrender or Determination of the therein-recited Charter, and the granting or Acceptance of the now existing Charter of the University of *London*, or the future Determination of the present or any future Charter of the said University, and the granting of any new Charter to the said University; and that every Bachelor of Medicine and Doctor of Medicine of the University of *London* for the Time being shall be deemed to have been and to be entitled and shall be entitled to the Privileges conferred by the said Act, in the same Manner and to the same Extent as if the Charter recited in the said Act remained in force, subject nevertheless to the Provisions of this Act.

Provisions of 17 & 18 Vict. c. 114. as to University of London to continue in force.

LIV. The General Council shall cause to be published under their Direction a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the General Council shall think fit, to be called "*British* Pharmacopœia;" and the General Council shall cause to be altered, amended, and republished such Pharmacopœia as often as they shall deem it necessary.

British Pharmacopœia to be published.

LV. Nothing in this Act contained shall extend or be construed to extend to prejudice or in any way to affect the lawful Occupation, Trade, or Business of Chemists and Druggists and Dentists, or the Rights, Privileges, or Employment

Chemists, &c. not to be affected.

ment of duly licensed Apothecaries in *Ireland*, so far as the same extend to selling, compounding, or dispensing Medicines.

SCHEDULE (A.)

1. Fellow, Licentiate, or Extra Licentiate of the Royal College of Physicians of London.
2. Fellow or Licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or Licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or Member or Licentiate in Midwifery of the Royal College of Surgeons of England.
5. Fellow or Licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or Licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or Licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or Bachelor, or Licentiate of Medicine, or Master in Surgery of any University of the United Kingdom; or Doctor of Medicine by Doctorate granted prior to passing of this Act by the Archbishop of Canterbury.
11. Doctor of Medicine of any Foreign or Colonial University or College, practising as a Physician in the United Kingdom before the First Day of October 1858, who shall produce Certificates to the Satisfaction of the Council of his having taken his Degree of Doctor of Medicine after regular Examination, or who shall satisfy the Council, under Section Forty-five of this Act, that there is sufficient Reason for admitting him to be registered.

SCHEDULE (B.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in practice as a Medical Practitioner in England or Wales before the First Day of August 1815:

To the Registrar of the Medical Council.

I, residing at in the County of hereby declare that I was practising as a Medical Practitioner at in the County of before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185

SCHE-

SCHEDULE (D.)

Name.	Residence.	Qualification.	Title.
A.B. -	London -	Fellow of the Royal College of Physicians of	
C.D. -	Edinburgh-	Fellow and Member of the Royal College of Surgeons of	
E.F. -	Dublin -	Graduate in Medicine of University of	
G.H. -	Bristol -	Licentiate of the Society of Apothecaries.	
I.K. -	London -	Member of College of Surgeons and Licentiate of the Society of Apothecaries.	

CAP. XCI.

An Act to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability.

[2d *August* 1858.]

'WHEREAS it is expedient to enable Banking Companies to be formed on the Principle of Limited Liability:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. So much of the Joint Stock Banking Companies Act, 1857, as prohibits a Banking Company from being formed under that Act with limited Liability, or prohibits an existing Banking Company from being registered under that Act with limited Liability, shall be repealed, subject to the following Proviso, that no Banking Company claiming to issue Notes in the United Kingdom shall be entitled to limited Liability in respect of such Issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the Assets shall be marshalled for the Benefit of the general Creditors, and the Shareholders shall be liable for the whole Amount of the Issue, in addition to the Sum for which they would be liable as Shareholders of a Limited Company.

So much of 20 & 21 Vict. c. 49. as prohibits Banking Companies from being registered with Limited Liability repealed.

Proviso as to Bankers issuing Notes.

II. The Registration of a Banking Company under the Joint Stock Banking Companies Act, 1857, or under any other Act, shall not prejudice the Right of such Company to register itself again as a Limited Company under the said Joint Stock Banking Companies Act, 1857, and the Acts incorporated therewith.

Registration of Banking Companies not to prejudice Re-registration as limited.

III. Provided, That every Company so registering itself again as a Limited Company, and every existing Banking Company

On Re-registration with Limited Lia-

bility Notice to be given to Customers.

pany which shall register itself as a Limited Banking Company, shall, at least Thirty Days previous to obtaining a Certificate of Registration with Limited Liability, give Notice that it is intended so to register the same to every Person and Partnership Firm who shall have a Banking Account with the Company, and such Notice shall be given either by delivering the same to such Person or Firm, or leaving the same or putting the same into the Post addressed to him or them at such Address as shall have been last communicated or otherwise become known as his or their Address to or by the Company; and in case the Company shall omit to give any such Notice as is herein-before required to be given, then as between the Company and the Person or Persons only who are for the Time being interested in the Account in respect of which such Notice ought to have been given, and so far as respects such Account and all Variations thereof down to the Time at which such Notice shall be given, but not further or otherwise, the Certificate of Registration with Limited Liability shall have no operation.

In default of Notice unlimited Liability to continue as to such Customers.

Banking Company to annex a Statement to their Memorandum of Association.

IV. Every Limited Joint Stock Banking Company shall, before it commences Business, or, if a Banking Company at the Time carrying on Business with unlimited Liability, before it avails itself of the Provisions of this Act, and also on the First Day of *February* and First Day of *August* in every Year during which it carries on Business, make a Statement in the Form contained in the Schedule hereto, or as near thereto as Circumstances will admit, and a Copy of such Statement shall be put up in a conspicuous Place in the registered Office of the Company, and in every Branch Office or Place where the Banking Business of the Company is carried on; and if Default is made in due Compliance with the Provisions of this Section, each Director shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues, and such Penalties shall be recovered in a summary Manner.

How Limited Banking Companies are to be wound up.

V. Limited Joint Stock Banking Companies shall be wound up in the same Manner and under the same Jurisdiction as that in and under which Joint Stock Banking Companies other than Limited are required to be wound up by the Joint Stock Banking Companies Act, 1857.

SCHEDULE referred to in the foregoing Act.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.

The Capital of the Company is One million, divided into Ten thousand Shares of One hundred Pounds each.

The Number of Shares issued is Ten thousand.

Calls

Calls to the Amount of Twenty Pounds per Share have been made, under which the Sum of One hundred and eighty thousand Pounds has been received.

The Liabilities of the Company on the First Day of January (*or* July) were,	£	s.	d.
Notes issued - - - -			
Deposits not bearing Interest - -			
Deposits bearing Interest - -			
Seven Day and other Bills - -			
Total			

The Assets of the Company on that Day were,			
Government Securities - - -			
Bills of Exchange - - -			
Loans on Mortgage - - -			
Other Loans - - - -			
Bank Premises - - - -			
Other Securities, exclusive of unpaid Calls on Shares - - -			
Total			

Dated the First Day of February (*or* August) One thousand eight hundred and fifty-nine.

CAP. XCII.

An Act to provide for the Conveyance of County Property to the Clerk of the Peace of the County.

[2d *August* 1858.]

'WHEREAS by divers Acts of Parliament Her Majesty's 'Justices of the Peace for the several Counties in 'England and Wales, in General or Quarter Sessions assembled, 'are authorized and empowered to purchase and hire Lands, 'Tenements, and Hereditaments for certain public Works and 'Purposes within such Counties, and they are also authorized 'and empowered to make and enter into Contracts in relation 'to such public Works and Purposes, and for other Purposes 'within their Jurisdiction as Justices of the Peace; but no 'Provision is made for the Manner in which such Purchases, 'Hirings, and Contracts are to be carried into effect:' For Remedy whereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices of the Peace may order Conveyances or Grants of Land, &c. to be made in the Name of

I In all Cases where by any Act or Acts of Parliament Justices of the Peace of any County or Division of a County now are or may be hereafter authorized to purchase or to take on Hire, for any of the public Uses or Purposes of such County, any Lands, Tenements, and Hereditaments, it shall be lawful

Clerk of the Peace or Treasurer.

for such Justices of the Peace, if they shall think fit, to order and direct that the Conveyance or Grant thereof shall and may be made and taken to and in the Name of the Clerk of the Peace for the Time being of such County, and his Successors, upon trust for such public Uses and Purposes; and such Conveyance or Grant, when so made, shall be valid and effectual in the Law, and shall vest such Lands, Tenements, and Hereditaments in such Clerk of the Peace and his Successors, upon trust for the Purposes for which the same were purchased and granted and conveyed, and be by him and them held for the public Uses and Purposes aforesaid, or otherwise be by him and them sold, conveyed, and disposed of in such Manner as the Justices of the Peace for the Time being of such County or Division of County in General or Quarter Sessions assembled may from Time to Time order and direct.

Contracts and Agreements may be entered into in the Name of the Clerk of the Peace or Trea-

II. Except where otherwise specially provided for by any Act or Acts of Parliament, all Contracts and Agreements to be made and entered into by the Justices of the Peace of any County or Division of County for any of the public Uses or Purposes of such County shall and may, by the Order of such Justices, if they shall think fit, be made and entered into on their Behalf by and in the Name of the Clerk of the Peace for the Time being of such County or Division of County; and all such Contracts and Agreements shall and may be enforced and sued upon by or against the Clerk of the Peace for the Time being of such County or Division of County; and no Action, Suit, or Proceeding shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk of the Peace, but the Clerk of the Peace for the Time being shall always be deemed the Plaintiff or Defendant, as the Case may be; and all Costs, Charges, Damages, and Expenses which such Clerk of the Peace may incur or pay or be liable to pay by reason of such Action, Suit, or Proceeding shall be reimbursed to him or paid, by Order of the said Justices of the Peace, by the Treasurer of the County or Division of the County out of the County Rates raised or to be raised within such County or Division of County.

Lands, &c to be vested in the Clerk of the Peace or Treasurer.

III. Except where otherwise specially provided by any Act or Acts of Parliament, on the Resolution of the General or General Quarter Sessions to that Effect, all Lands, Tenements, and Hereditaments which shall have been heretofore purchased or hired by the Justices of the Peace of any County or Division of a County under the Authority of any Act or Acts of Parliament, for any of the public Uses and Purposes of such County or Division of County, and granted or conveyed to any Person or Persons in trust for or on behalf of the said Justices, and which now remain applicable to such Uses and Purposes, shall, from and immediately after the passing of this Act, notwithstanding such Grant or Conveyance, become and be absolutely vested in the Clerk of the Peace for such County or Division of County and his Successors upon the Trusts and for

for the Uses and Purposes in the Grant or Conveyance thereof respectively declared, and the same Lands, Tenements, and Hereditaments shall be at all Times hereafter held, used, and managed, or, when so ordered by the said Justices, sold, conveyed, and disposed of, by the Clerk of the Peace for the Time being of such County or Division of County, according to the Orders and Directions of the said Justices of the Peace from Time to Time in General or Quarter Sessions assembled; and every Sale and Conveyance so made and executed by the Clerk of the Peace for the Time being shall be valid in the Law, and effectually vest the Lands and Hereditaments thereby conveyed in the Purchaser or Purchasers thereof.

Grants and Conveyances to be valid though not enrolled.

IV. All Grants and Conveyances of any Lands, Tenements, and Hereditaments heretofore made or hereafter to be made, under any of the Acts herein-before referred to, to or in trust for the said Justices, for any of the public Uses and Purposes of such Counties or Divisions of Counties, shall be valid and effectual to all Intents and Purposes, notwithstanding the same Grants and Conveyances may not have been or be enrolled, any Law, Statute, or Usage to the contrary notwithstanding.

CAP. XCIII.

An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects. [2d *August* 1858.]

'WHEREAS it is expedient to enable Persons to establish 'their Legitimacy, and the Marriage of their Parents 'and others from whom they may be descended, and also to 'enable Persons to establish their Right to be deemed natural-'born Subjects:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.

I. Any natural-born Subject of the Queen, or any Person whose Right to be deemed a natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, being domiciled in *England* or *Ireland*, or claiming any Real or Personal Estate situate in *England*, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person, being so domiciled or claiming as aforesaid, may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person,

or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

Application to Court for Declaration of Right to be deemed a natural-born Subject.

II. Any Person, being so domiciled or claiming as aforesaid, may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as herein-after mentioned, be valid and binding to all Intents and Purposes upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit.

III. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85 to apply to Proceedings under this Act.

IV. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings in the said Court under this Act, as if the same had been authorized by the said Act of the last Session.

Power to award and enforce Payment of Costs.

V. In all Proceedings under this Act the Court shall have full Power to award and enforce Payment of Costs to any Persons cited, whether such Persons shall or shall not oppose the Declaration applied for, in case the said Court shall deem it reasonable that such Costs should be paid.

Attorney General to have a Copy of Petition One Month before it is filed.

VI. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall, One Month at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

VII. Where any Application is made under this Act to the said Court such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

VIII. The Decree of the said Court shall not in any Case, prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or next of Kin, or other Real or Personal Representative of or derives Title

Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

IX. Any Person domiciled in *Scotland*, or claiming any Heritable or Moveable Property situate in *Scotland*, may raise and insist, in an Action of Declarator before the Court of Session, for the Purpose of having it found and declared that he is entitled to be deemed a natural-born Subject of Her Majesty; and the said Court shall have Jurisdiction to hear and determine such Action of Declarator, in the same Manner and to the same Effect, and with the same Power to award Expenses, as they have in Declarators of Legitimacy and Declarators of Bastardy.

Person domiciled in Scotland may insist, on an Action of Declarator, that he is a natural-born Subject.

X. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction.

No Proceedings to affect final Judgments, &c.

XI. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858."

Acts to be read together.

Short Title.

CAP. XCIV.

An Act to amend the Copyhold Acts.

[2d *August* 1858.]

'WHEREAS it is expedient to repeal certain Provisions of 'the Copyhold Acts," and to make further and other 'Provisions for the Commutation of Manorial Rights in respect 'of Lands of Copyhold and Customary Tenure, and in 'respect of other Lands subject to such Rights, and for facili- 'tating the Enfranchisement of such Lands, and for the Im- 'provement of such Tenure:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 Vict. c. 35. 6 & 7 Vict. c. 23. 7 & 8 Vict. c. 55. 15 & 16 Vict. c. 51. 16 & 17 Vict. c. 57.

I. This Act shall come into operation on the First Day of *October* One thousand eight hundred and fifty-eight.

Commencement of Act.

II. The following Acts and Sections and Parts of Sections of "the Copyhold Acts" are hereby repealed; that is to say,

Repeal of Acts and Parts of Acts herein named.

The whole of the Act of the Sixteenth and Seventeenth of *Victoria*, Chapter Fifty-seven, intituled *An Act to explain and amend the Copyhold Acts:* — 16 & 17 Vict. c. 57.

So much of the Eleventh Section of "The Copyhold Act, 1841," as follows after the Words "substituted in the Place of such Lord, Tenant, or other Person:" — 4 & 5 Vict. c. 35. s. 11.

The whole of the Second Section of "The Copyhold Act, 1852:" — 15 & 16 Vict. c. 51. s. 2.

The whole of the Eleventh Section of "The Copyhold Act, 1852:" — 15 & 16 Vict. c. 51. s. 11.

The whole of the Twenty-seventh Section of "The Copyhold Act, 1852:" — 15 & 16 Vict. c. 51. s. 27.

All

All the Provisions of the Copyhold Acts which authorize Commutations by Schedule of Apportionment, and also all the Provisions which authorize Commutations by a Schedule to be prepared by the Steward, and also all the Provisions which authorize Enfranchisement by Schedule of Apportionment, and also all the Provisions which authorize the charging of Enfranchisement or Compensation Moneys or the Expenses of Commutations or Enfranchisements upon Land, are hereby repealed.

Repeal not to affect Acts done, Rights vested, &c.

III. This Repeal shall not affect any Commutations or Enfranchisements or Charges already effected, or any Rights or Remedies attaching thereto, or any Acts done in pursuance of the Act or Provisions hereby specifically repealed, or Rights or Remedies vested by or resulting therefrom.

Not to extend to certain Ecclesiastical Manors.

IV. The Copyhold Acts shall not extend to any Manors belonging, either in possession or reversion, to any Ecclesiastical Corporation, or to the Ecclesiastical Commissioners for *England*, where the Tenant hath not a Right of Renewal.

Application of Consideration Moneys in Cases where Enfranchisements might have been effected under 14 & 15 Vict. c. 104.

V. Whenever it shall appear to the Copyhold Commissioners that an Enfranchisement under the Copyhold Acts is one which might have been effected under the Provisions of the Act of the Fourteenth and Fifteenth of Her Majesty, Chapter One hundred and four, intituled *An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in* England, so long as that Act or any Act for continuing the same shall be in force, the Moneys or Rentcharges which form the Consideration of such Enfranchisement shall be paid and applied to the same Account and in the same Manner as if such Enfranchisement had been effected under the said Act of the Fourteenth and Fifteenth of Her Majesty; and all the Provisions of the said last-mentioned Act which affect the Application of Enfranchisement Moneys under that Act shall be applicable to such Enfranchisements as aforesaid, made under the Provisions of the Copyhold Acts; and the Church Estates Commissioners and Ecclesiastical Commissioners shall respectively have the same Powers over such Consideration Moneys or the Interest accruing thereon, or upon Land, Rentcharges, or Securities acquired in respect of such Enfranchisements, and also over or against any Ecclesiastical Corporation interested therein, as such Commissioners respectively would have had if such Enfranchisement had been effected with the Consent of the Church Estates Commissioners, and under the Provisions of the said Act of the Fourteenth and Fifteenth of Her Majesty or any Act continuing the same: But where any Ecclesiastical Corporation within the Meaning of the said last-mentioned Act or the said Ecclesiastical Commissioners have only a Reversionary Interest in the Manorial Rights extinguished by Enfranchisement, the Consideration for such Enfranchisement shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852," until the Time when the said Reversionary Interest in the same Manorial Rights would, if the same had not been extinguished, have come into possession,

Appropriation of Enfranchisement Moneys in Cases of Ecclesiastical Manors.

possession, when the said Consideration, or any Government Securities in which it may have been invested, shall, upon Petition to the Court of Chancery, be paid or transferred to the said Church Estates Commissioners, who shall be considered the Parties become absolutely entitled to such Money, to be dealt with as if they had come into possession thereof in consequence of an Enfranchisement effected under the said Act of the Fourteenth and Fifteenth of Her Majesty.

Tenant or Lord of certain Copyhold Land may compel Enfranchisement.

VI. Notwithstanding the First Section of "The Copyhold Act, 1852," it shall be lawful, from and after the passing of this Act, for any Tenant or Lord of any Copyhold Lands to which the last Admittance shall have taken place before the First of *July* One thousand eight hundred and fifty-three, or of any Freehold or Customary Freehold Lands in respect of which the last Heriot shall have become due or payable before the First of *July* One thousand eight hundred and fifty-three, to require and compel Enfranchisement of the said Lands in the Manner herein and in the said Act mentioned: Provided always, that no such Tenant shall be entitled to require such Enfranchisement until after Payment or Tender (in the Case of Copyhold Lands) of such a Fine, and of the Value of such a Heriot, and in the Case of Freehold and Customary Freehold Lands of the Value of such a Heriot as would become due or payable in the event of Admittance or Death subsequent to the First of *July* One thousand eight hundred and fifty-three, and also, in the Case both of Copyhold and of Freehold or Customary Freehold Lands, of Two Thirds of such a Sum as the Steward would have been entitled to for Fees in respect of such Admittance or Heriot.

Lord or Tenant may compel Extinguishment of Claim to Heriots.

VII. 'And whereas in many Manors Heriots are by Custom 'due and payable to the Lord by Tenants of Freehold or 'Customary Freehold Lands holden of such Manors:' Be it enacted, That at any Time after any such Heriot shall be due and payable with respect to any such Freehold or Customary Freehold Lands, it shall be lawful for the Lord or the Tenant to require and compel the Extinguishment of all such Claim to Heriots, and the Enfranchisement of the Lands subject thereto, in the same Way as if such Lands were Copyhold; and the same Proceedings shall thereupon be had as are herein and in the Copyhold Act, 1852, mentioned with reference to the Enfranchisement of Copyhold Lands, or as near thereto as the Nature of the Case will admit.

Mode of effecting compulsory Enfranchisements.

VIII. When any Lord or Tenant shall, under the Provisions of the Copyhold Act, 1852, or of this Act, require the Enfranchisement of any Land held of a Manor, he shall give Notice in Writing (the Lord or his Steward to the Tenant, or the Tenant to the Lord or his Steward) of his Desire that such Land shall be enfranchised; and the Consideration to be paid to the Lord for such Enfranchisement, and also the Sum to be paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, shall, unless the Parties agree about the same, be

be ascertained under the Directions of the Copyhold Commissioners, and upon a Valuation to be made in the Manner following; that is to say,

Where the Manorial Rights to be compensated shall consist only of Heriots, Rents, and Licences at fixed Rates to demise or fell Timber, or any of these, or where the Land to be enfranchised shall not be rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, then the Valuation shall be made by a Valuer to be nominated by the Justices at a Petty Sessions holden for the Division or Place in which the Manor or the chief Part thereof is situate; provided that no Justice, being Lord, either in whole or in part, of such Manor, shall take any Part in nominating such Valuer; subject, however, to these Provisoes: First, that if the Parties agree to recommend to the Commissioners any Person to be the Valuer, such Person shall be nominated by the Commissioners; and Second, that either Party may, upon paying the Charges of his own Valuer, have the Valuation made as next herein-after provided:

But when the Manorial Rights to be compensated do not consist only of Rents and Heriots and such Licences as aforesaid, or when the Land to be enfranchised is rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, or where the Valuation to be made is of the Sum to be paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, then the Valuation shall, unless the Parties agree to refer it to One Valuer, be made by Two Valuers, One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers, before they proceed, shall appoint an Umpire, to whom any Points in dispute between them shall be referred; and in case the Valuer or Valuers or Umpire, as the Case may be, shall not make a Decision and deliver the Particulars thereof in Writing to the Lord or the Steward and to the Tenant, and to the Copyhold Commissioners, within Forty-two Days after the Appointment of such Valuers, or Reference of the Matter to the Umpire, as the Case may be, then the Commissioners shall fix the Consideration to be paid or rendered to the Lord; and in any Case where, after Notice to the Lord or to the Steward or to the Tenant so to do, either Party shall neglect or refuse, for Twenty-eight Days, to appoint his Valuer, the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and in any Case where any Valuers shall, for the Space of Fourteen Days after the Appointment, be unable to agree in the Appointment of an Umpire, the Commissioners shall appoint an Umpire.

When Commissioners shall fix Consideration.

When Commissioners to appoint Umpire.

IX. The

IX. The Commissioners may, by an Order under Seal, extend the Time within which this Act directs that any Valuer be appointed, or any Act to be done by such Valuer be performed.

Extension of Time for Appointments, &c.

X. After the Valuation has been made, or upon the Receipt of the Agreement of the Parties, the Commissioners, having made such Inquiries concerning the Circumstances of the Case as to them shall seem fit, and having duly considered the Applications made to them by the Parties, may frame an Award of Enfranchisement in the Terms of the Valuation, and in such Form as they shall provide, and may confirm the same; and such confirmed Award shall have the same Force and Validity for all Purposes of Enfranchisement or otherwise as a Deed of Enfranchisement now has under the Provisions of the Copyhold Acts, or would have had under any Provision of the Copyhold Acts which is by this Act repealed; and for all Purposes of declaring the Amount, Nature, and Particulars of the Compensation, and for attaching thereto the Remedies provided by the Copyhold Acts, the said confirmed Award shall have the same Force and Validity as an Award made by Valuers or an Umpire under the Provisions of the Copyhold Acts: Provided nevertheless, that nothing herein contained shall affect the Right of the Steward for the Time being of any Manor to receive such Sum of Money by way of Compensation or otherwise as he would have been entitled to if such Enfranchisement had been effected by a Deed of Enfranchisement under the Provisions of the Copyhold Acts or any of them: Provided also, that the Commissioners shall, Fourteen clear Days before Confirmation of any such Award, serve a Copy of the same in the Form in which it is proposed to be confirmed upon the Steward of the Manor of which the Lands to be enfranchised are held.

Award of Enfranchisement.

XI. Whenever a Rentcharge hereafter granted under the Provisions of the Copyhold Acts shall be a Rentcharge varying with the Price of Corn, such Rentcharge shall not be calculated in the Manner now directed by the Copyhold Acts, but shall be calculated upon the same Averages and variable in the same Manner as a Tithe Commutation Rentcharge; but this Amendment shall apply only to Corn Rentcharges hereafter to be imposed, and not to any already existing under the Authority of the Copyhold Acts, but these last-named Corn Rentcharges shall retain their former Character and Incidents.

Corn Rentcharges to be calculated as Tithe Rentcharges.

XII. The Commissioners shall not confirm any Award of Enfranchisement where the Consideration is a gross Sum of Money immediately payable, or Land, until the Receipt of the Person entitled to receive the Consideration or Compensation Money has been produced to them, or the Conveyance of the Land has been confirmed by them.

Receipts for Consideration Money, &c. to be produced.

XIII. If the Lord refuse to receive the Enfranchisement Money it shall be dealt with as is provided in Cases where the Lord is only entitled for a limited Estate.

In case of Refusal by Lord.

XIV. After

Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface.

XIV. After Enfranchisement, whether under the voluntary or compulsory Proceedings of "the Copyhold Acts," the Owner of the Lands so enfranchised shall, notwithstanding any Reservation of Mines or Minerals in the said Acts or in any Instrument of Enfranchisement contained, have full Power and Right to disturb or remove the Soil so far as may be necessary or convenient for the Purposes of making Roads or Drains or erecting Buildings or obtaining Water upon the said Lands: Provided always, that this shall not prejudice the Rights to any Mines or Minerals, or to work and carry away the same, which were reserved by Section Forty-eight of "The Copyhold Act, 1852."

Enfranchisement Money may be paid to official Trustees of Charitable Funds.

XV. In the Case of a Corporation or other Lord of any Manor holden upon any Charitable Trust within the Provisions of the "Charitable Trust Act, 1853," or "Charitable Trust Amendment Act, 1855," not authorized to make an absolute Sale otherwise than under the Provisions of the said last-mentioned Acts or of the Copyhold Acts, the Consideration Money to be paid for the Redemption or Sale of any Rentcharge, or as Compensation for any Enfranchisement, may, at the Option of the Lord, be paid into the Hands of the official Trustees of Charitable Funds acting under the said Charitable Trusts Acts, in trust for the Charity to which the Manor shall belong; and the Principal Moneys shall be applied by the Trustees, under the Order of the Charity Commissioners for *England* and *Wales*, for the Purposes to which the said Money if paid into the Bank of *England* in the Name of the Accountant General of the Court of Chancery would be applicable under the Copyhold Acts, and in the meantime shall be invested, and the Dividends of such Investments shall be applied, according to the Provisions of the said Acts relating to Charitable Funds paid to such official Trustees.

Enfranchisement Money for the Use of a Corporation, &c. may, at the Option of the Lords of the Manor, be paid into the Hands of Trustees.

XVI. Any Consideration or Compensation Money to be paid to the Use of a Corporation, Lord of a Manor, other than of a Manor holden for Charitable Purposes within the Meaning of the "Charitable Trust Act, 1853," and "Charitable Trust Amendment Act, 1855," may, at the Option of such Lord, be paid into the Hands of Trustees, to be nominated by the Commissioners by Order under Seal, in the same Manner as in other Cases already provided for in the Copyhold Acts, and the Money shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Consideration or Enfranchisement Money paid into the Bank of *England* in the Name of the Accountant General is directed by the Copyhold Acts to be applied; and upon every Vacancy in the Office of such Trustee, or in case any such Trustee should be desirous of resigning, or should become incapable of acting, some other Person shall be appointed by the Commissioners in like Manner.

Enfranchisement Money for the Use of any Spiritual Person may be paid to the

XVII. Any Compensation or Consideration Money paid for the Use of any Spiritual Person in respect of his Benefice or Cure may, at the Option of the Lord, be paid to the "Governors of Queen *Anne*'s Bounty for the Augmentation of the "Maintenance

"Maintenance of the Poor Clergy," and when so paid shall be applied and disposed of by the said Governors as Money in their Hands appropriated for the Augmentation of such Benefice or Cure should by Law, and under the Rules of the said Governors, be applied and disposed of; and the Receipt of the Treasurer of the said Governors shall be a sufficient Discharge for such Money, and the Person paying the same to such Treasurer shall not be concerned to see to the Application or Disposal thereof.

Governor of Queen Anne's Bounty.

XVIII. The Commencement of every Commutation or Enfranchisement, and of any Rentcharge, may be fixed by the Memorandum of Confirmation of the Instrument of Commutation or Enfranchisement, or, in default of being so fixed, it shall take place on the Day of Confirmation; but the Commissioners shall have Power to fix the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated, at any Period not more than Six Months posterior to the Day fixed for the Commencement of the Commutation or Enfranchisement; and the Portion of Rentcharge which shall accrue between the Day of the Commencement of the Commutation or Enfranchisement and the Day fixed by the Commissioners as the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated shall be paid and recoverable in like Manner as any after-accruing half-yearly Sum is payable or recoverable.

Commencement of Enfranchisement.

XIX. Where any Land proposed to be enfranchised under this Act shall be held of a Manor belonging either in possession or reversion to an Ecclesiastical Corporation within the Meaning of the Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, the Ecclesiastical Commissioners for *England* shall have Notice of such Proceedings, and shall have the same Power of expressing Assent to or Dissent from such Proceedings as is by this Act directed with respect to Persons entitled to the next Estate of Inheritance in reversion or remainder, and the Provisions of the Copyhold Acts respecting such Notices, and all Proceedings thereon (except as otherwise by this Act is provided), shall be applicable to such Cases.

Notice to be given to the Ecclesiastical Commissioners in Cases wherein they are interested.

XX. Where Notice or other Writing is required to be given to or served on any designated Person or Party, it may be given either by sending it by the Post in a registered Letter to or by leaving it at the Office or usual Place of Abode of such Person, and all Notices required to be given by the Commissioners or any Valuer (the Mode of giving which is not particularly directed) may be in the Name either of the Person giving the Notice or of any Person authorized by the Commissioners to give Notices, and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices may relate.

Notices how to be given.

XXI. Whenever by the Copyhold Acts Power is given or an Obligation attaches to any Person to pay Money as Consideration

Consideration Money, &c.

may be charged on Land.

deration or Compensation for Commutation or Enfranchisement, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised the Sum of Money paid.

Value of Land given as Enfranchisement Consideration may be charged.

XXII. Whenever Land is conveyed as Consideration or Compensation for Commutation or Enfranchisement, and the Person conveying the same was absolute Owner of the Land so conveyed, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised such reasonable Sum as in the Judgment of the Commissioners may be equivalent in Value to the Land so conveyed.

Power to Lords to charge the Land purchased.

XXIII. Where Power is by the Copyhold Acts given to the Lord to purchase the Tenant's Interest in Land, he shall have the same Right to charge the Land purchased, and also the Manor and any Land settled therewith to the same Uses, as a Tenant has under this Act to charge Enfranchisement Moneys.

Expenses may be charged.

XXIV. Any Expenses incurred in Proceedings under the Copyhold Acts may be charged upon the Manor or upon the Land commuted or enfranchised, or upon both, according as the Obligations to pay may attach, or Expenses payable by the Lord may be paid out of the Compensation or Consideration Money, or be charged upon the Rentcharge or other Consideration or Compensation for Commutation or Enfranchisement.

How Consideration Moneys, &c. may be charged.

XXV. Any Charge under this Act in respect of Consideration or of Compensation Money, or of Purchase Money, or of the Value of Land conveyed, may, when the Parties so agree, and the Commissioners approve, be made for a Principal Sum and Interest, or for a Series of periodical Payments, which, at the Termination thereof at the Period specified, shall leave the Manor or Land discharged.

Certain Expenses may be charged as Consideration Money.

XXVI. Whenever by the Provisions of the Copyhold Acts any Lord or Tenant is authorized to raise Money upon Charge, or to purchase or convey any Land, and to charge the Principal or the Purchase Money or the Value upon a Manor or Land, then the Expenses incurred about the raising of such Money upon Charge, or incurred about the Purchase, or Purchase and Conveyance, shall (but as distinct from the general Expenses of Commutation or Enfranchisement) be considered for all Purposes or Effects of charging as Part of the Principal Purchase Money or Value to be charged.

Charge for Expenses not to exceed Fifteen Years.

XXVII. All other Charges in respect of Expenses of Proceedings under the Copyhold Acts (except the Expenses of a Purchase by a Lord) shall be for such Period as the Parties may agree and the Commissioners may approve, not exceeding Fifteen Years, and at such Interest as stated in the Certificate of Charge.

Commissioners may in certain Cases grant Certificates of Charge for Expenses.

XXVIII. If by reason of Disputes as to Title it shall appear to the Commissioners to be uncertain upon what Person the Order to pay Costs or Expenses should be made, the Commissioners may, if they shall so see fit, grant to the Person entitled

entitled to receive Payment of such Costs or Expenses a Certificate of Charge upon the Manor or Land, as the Case may be, in respect of which such Costs or Expenses were incurred, which shall operate in all respects as other Certificates of Charge under this Act.

Certificate of Charge.

XXIX. Every Charge under this Act shall be made by a Certificate under Seal of the Commissioners, and countersigned by the Person at whose Instance the Charge is made, to be called a Certificate of Charge; and if such Charge shall be a Series of periodical Payments which, at the Termination thereof at a Period specified, shall leave the Manor or Land discharged, such Series shall be specified in the Certificate; but if the Charge shall be a Principal Sum bearing Interest, and repayable at or before a certain future Date, or after a certain Notice, then such Certificate shall specify the whole Amount of Principal Money to be charged, and shall contain a Proviso declaring that such Certificate shall be void on Payment of the Amount thereby secured, with any Arrears of Interest due thereon, at a Time therein appointed, or at the Expiration of an ascertained Notice; and such Certificate shall state whether the Charge was made in respect of Costs or Expenses, or in respect of Consideration or Compensation Money, and may specify any Place to be agreed upon between the Parties, as the Place of Payment of the Principal Money and Interest charged by such Certificate; and the Manor or Land charged thereby may be described by reference to the Enfranchisement Proceedings under the Copyhold Acts, or otherwise, as the Commissioners may see fit.

Certificate transferable.

XXX. Every Certificate and the Charge thereby made shall be transferable by Endorsement on such Certificate.

Lord's Charge to be appurtenant to the Manor.

XXXI. Whenever a Lord of limited Interest shall be entitled to a Certificate of Charge in respect of Enfranchisement Money left chargeable upon the Land enfranchised, the Charge shall remain appendant and appurtenant to the Manor (but not so as to be incapable of being severed therefrom, or to be affected by the Extinction thereof); and the Certificate of Charge shall state that the Lord to whom such Certificate is issued has only a limited Interest in such Charge, or it may purport to be issued to the Lord for the Time being of the Manor; and either of such Statements in such Certificate shall be Notice to all Persons of the limited Interest in such Charge which may pass by Transfer of such Certificate.

Stamp Duty.

XXXII. Every Award of Enfranchisement, Certificate of Charge, and Transfer thereof, issued or made under this Act, shall be chargeable with the like Stamp Duties as are chargeable in respect of Deeds of Enfranchisement, Mortgages, and Transfers of Mortgages.

Priority of Charge.

XXXIII. Any Charge under this Act made in consideration of the Value of Land conveyed as Consideration, or of Consideration or Compensation Money, or of Purchase Money, or of the Expenses of Purchase and Conveyances, shall be a First Charge on such Manor or Land, and shall have Priority over

all Mortgages, Charges, and Incumbrances whatsoever affecting such Manor or Land, (except Tithe Commutation Rentcharges, and any Charges or Rentcharges which may have been or shall be charged upon the same Land for the Drainage thereof, by virtue of any of the Statutes in that Behalf,) notwithstanding the actual Priority in point of Date or anterior Title of such Mortgages, Charges, and Incumbrances; but any Moneys already invested or previously secured or charged thereon may be continued on the Security of the same, notwithstanding the Imposition of the said Charge under this Act.

Charge not to merge.

XXXIV. Any such Certificate of Charge may be taken by any Person, although he may be the Lord or Tenant or Owner of any Manor or Land charged thereby; and the same shall not merge in the Freehold, unless the Owner of such Charge shall, by Endorsement upon the Certificate of Charge or otherwise, declare in Writing that it is his Will that such Charge shall merge and cease.

Sums charged how to be recovered.

Land charged with Enfranchisement Considerations as on Mortgage in Fee.

XXXV. The Owner for the Time being of a Certificate of Charge shall, in respect of any Payment in the Nature of Interest or Instalment that may become due under the Certificate, have the same Remedies and be subject to the same Conditions in the Recovery thereof as are by the Copyhold Acts provided in respect of Rentcharges; and for a further and additional Remedy in that Behalf, and in respect of any Payment in the Nature of Interest, or of a periodical Payment, or of an Instalment, or of a gross Principal Sum that may be secured by the Certificate, the Manor or Land shall from the Date of the Certificate stand charged with the respective Sums mentioned in such Certificate to be payable, and until such Payment the Owner for the Time being of the Certificate shall be deemed to stand seised of the Manor or Land as a Mortgagee in Fee thereof, and it shall be lawful for the Person so seised from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Land is entitled to, for the enforcing Payment of Principal Sums, or Interest, with the like Right to obtain Payment of all attendant and incident Costs and Expenses.

Form of Certificate of Charge.

XXXVI. A Certificate of Charge may be in the Form following:

'WE, the Copyhold Commissioners, do hereby certify, That
' the Land mentioned in the Schedule to this Certificate
' is charged with the Payment to *A.B.*, his Executors, Ad-
' ministrators, or Assigns, [*or* "to the Lord of the Manor
' of for the Time being," *as the Case may*
' *be.*] of the following Series of periodical Payments; that is to
' say, the Sum of £ payable on the
' Day of A.D. ; the further Sum
' of £ payable on the Day
' of A.D. *&c.* [*or* "with the Principal
' " Sum of £ with Interest thereon after the Rate
' " of per Centum per Annum, the Principal
' " to

'" to be repayable in manner following; that is to say," *state* '*the Terms*]; and we do further certify that this Certificate of 'Charge was made in respect of Consideration Money [*or* in 'respect of Expenses]; and further, that after Payment of 'the Series of periodical Payments above mentioned [*or* after 'Payment of the Principal Money hereby charged, and all 'Arrears of Interest due thereon,] this Certificate shall be 'void, In witness whereof we have hereunto set our Hands 'and the Seal of the said Commissioners, this
'Day of A.D. 18

'*The Schedule.* '*E.F.*
'*G.H.*'

XXXVII. A Transfer of a Certificate of Charge may be in the Form following: Form of Transfer of Certificate.

'I *A.B.* of hereby transfer the within 'Certificate of Charge to *C.D.* of
'Dated this Day of A.D.
'*A.B.*'

XXXVIII. When Land is held in undivided Shares the Person for the Time being in receipt of at least Two Thirds of the Value of the Rents and Profits of such Land shall be the "Tenant" of such Land for all the Purposes of "the Copyhold Acts." Owner of Two Thirds in undivided Shares to be "Tenant."

XXXIX. It shall be lawful for any Lord or Tenant of a Manor, or any other Person interested in any Proceedings under this Act, by a Power of Attorney given in Writing under his Hand, or, in the Case of a Corporation Aggregate, under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Agreement or Application or other Document arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof authenticated by the Signature of Two credible Witnesses, shall be sent to the Office of the Commissioners; and any such Power of Attorney may be in the Form following: Agent may be appointed by Power of Attorney.

'Manor of in the County of

'I [*A.B.*] of, *&c.*, do hereby appoint *C.D.* of, *&c.*, to be my 'lawful Attorney, to act for me in all respects as if I myself 'were present and acting in the Execution of "The Copyhold 'Act, 1858." Dated this Day of
'One thousand eight hundred and
'(Signed) *A.B.*'

Revocation of Power of Attorney

XL. If any Person having made such an Appointment as last aforesaid shall deliver Notice in Writing or under a Common Seal (as the Case may require) of the Revocation thereof to the Commissioners, no Act which shall be done by the Person so appointed, after the Delivery of such Notice, without a fresh Appointment, shall bind the Principal.

Arbitration in case of Difference as to Terms of Enfranchisement in Crown Manors

XLI. In any Case in which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty in right of Her Crown, or the Chancellor and Council of the Duchy of *Lancaster*, on behalf of Her Majesty in right of Her said Duchy, shall at any Time hereafter have proceeded, in exercise of the Powers vested in them, to negotiate the Terms for the Enfranchisement of any Hereditaments held of any Manor vested in Her Majesty in right of Her Crown or of Her Duchy of *Lancaster*, either in possession, or in remainder expectant on any Estate less than an Estate of Inheritance, and either solely or in Coparcenary with any Subject or Subjects, and a Difference of Opinion shall arise between the said Commissioners or either of them, or the said Chancellor and Council, on the one hand, and the Tenant of the said Hereditaments on the other hand, touching the Amount of the Consideration Money to be paid by the Tenant to the said Commissioners or to the said Receiver General of the Duchy of *Lancaster* for such Enfranchisement, it shall be lawful for the said Commissioners or either of them, or for the said Chancellor and Council, if they or he respectively shall so think fit, on the Request of the Tenant, and upon an Agreement for the Enfranchisement being entered into by them or him with such Tenant, to refer it to the Copyhold Commissioners to appoint, as they are hereby authorized to do, some practical Land Surveyor to determine the Amount of the Consideration Money to be paid to the said Commissioners or to the said Receiver General of the Duchy of *Lancaster* for such Enfranchisement, and the Award of such Land Surveyor shall be final and conclusive, and shall not be subject to Appeal or Revision; and the Costs and Expenses of and incident to any Reference to the Copyhold Commissioners, to be made as herein-before provided, shall be treated as Costs and Expenses incurred in the Case of a compulsory Enfranchisement at the Instance of a Tenant.

Provision as to Enfranchisements in Manors belonging to the Crown in remainder, &c.

XLII. Any Manor vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance, and any Hereditaments held of such Manor, may, with the Consent in Writing from Time to Time of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, be dealt with under the Copyhold Acts.

Provision as to Payment of Compensation for such Enfranchisements.

XLIII. In every Case of an Enfranchisement of Land held of any Manor so vested in Her Majesty in remainder or reversion expectant on an Estate of Inheritance, where the Compensation under the Provisions of the Copyhold Acts shall be a gross Sum of Money, the same shall be paid to such Two Persons

Persons as Trustees as shall be from Time to Time nominated for the Purpose by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and by the Person who shall for the Time being be entitled to the Receipt of the Rents and Profits of the Manor, One of such Trustees being from Time to Time nominated by the Commissioners or One of them, and the other of such Trustees being from Time to Time nominated by the Person so entitled for the Time being: Provided always, that in any Case in which the Commissioners, or One of them, and the Person for the Time being so entitled, shall not upon the Occasion of any Enfranchisement agree that the Compensation, if payable in a gross Sum of Money, shall be paid to Trustees, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Queen's most Excellent Majesty and the Person so for the Time being entitled, and when so paid in the Compensation shall remain to such Account as aforesaid until, by Order of the Court, to be made in a summary Way upon Petition, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Person who may be entitled to the Rents and Profits of the Manor, it shall be applied in manner by this Act provided.

Application of such Enfranchisement Money.

XLIV. The Compensation Money paid for any such Enfranchisement shall be applied by any Trustees to be from Time to Time so nominated, or by Direction of the Court of Chancery, if the same shall have been paid into the Bank of *England* to the Credit of the Accountant General of the Court, in the Purchase or Redemption of Land Tax affecting the Manor or any other Land settled to the like Uses as the Manor, or in the Purchase of Land of Fee-simple Tenure, and convenient to be held with the Settled Estates; and until such Application of the Compensation Money, it may, by any such Trustees, or by the Accountant General of the Court of Chancery, under Order of the Court, to be made upon Application thereto, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, be from Time to Time invested, in the Names or Name of such Trustees or of the Accountant General, in the Purchase of or upon Government or Real Securities; and in the meantime and until such Securities be sold or realized by the Trustees, or pursuant to any Order of the Court for either of the Purposes aforesaid, the Income thereof shall be paid by the Trustees or by the Accountant General, under Order of the Court, to the Person who for the Time being may be entitled to the Rents and Profits of the Manor.

Land to be purchased with Enfranchisement Money to be settled

XLV. Any Land to be purchased with any Compensation Money to be paid or any Rentcharge to be granted or awarded as the Consideration for any such Enfranchisement shall be settled to such Uses, upon such Trusts, and subject to such

to same Uses as Manor may stand limited to.

Powers and Provisions as will most nearly correspond with the Uses, Trusts, Powers, and Provisions then affecting the Manor in which such Enfranchisement shall be made, and all such Uses, Trusts, Powers, and Provisions shall be valid, and have full Effect, any Law to the contrary notwithstanding.

As to Execution of Enfranchisement Deed.

XLVI. Upon Payment of the Compensation Money as by this Act provided, in any Case in which such Compensation is made by Payment of a gross Sum of Money, or previously to or contemporaneously with the Execution of a Deed of Grant or of an Award by the Copyhold Commissioners of a Rentcharge, in any Case in which the Compensation for an Enfranchisement shall be made by way of Rentcharge, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, may concur with the Person for the Time being entitled to the Rents and Profits of the Manor in executing a Deed of Enfranchisement to the Copyholder of the Land to be enfranchised, which shall state in what Manner the Enfranchisement Money, if any, has been applied; and such Deed of Enfranchisement shall, when a Memorial thereof is enrolled as by this Act provided, be effectual to vest in the Copyholder all the Estate, Right, and Interest of the Queen's Majesty, Her Heirs and Successors, in right of Her Crown, and of all other Persons interested therein under the Settlement of the Manor in the Land enfranchised, either absolutely or subject to such Reservations as may be agreed upon; but nothing contained in this Act with reference to Enfranchisements by Awards of the Copyhold Commissioners shall apply to Manors in which Her Majesty, Her Heirs or Successors, may have any Estate or Interest in possession, reversion, or remainder.

Record of such Enfranchisements to be preserved in Office of Land Revenue Records.

XLVII. The Keeper of Land Revenue Records and Enrolments shall, for the Purpose of preserving a Record of such Enfranchisements as last aforesaid, from Time to Time provide a Book or Books in which shall be entered a Memorial of every Deed of Enfranchisement of Land held of any Manor, and of every Award or Grant of any Rentcharge, and of every Deed of Conveyance which shall be executed upon the Purchase of Land with Moneys arising from the Enfranchisement of Lands within any such Manor (such last-mentioned Memorial being in every Case accompanied by a Plan of the Land purchased); and every such Memorial shall be under the Hand of One of the Parties to the Deed of Enfranchisement, or Conveyance, Award, or Grant; and no such Deed, Award, or Grant shall have Effect until there be written thereon a Certificate signed by the Keeper of Land Revenue Records and Enrolments, that a Memorial thereof hath been lodged at the Office of Land Revenue Records and Enrolments; and in the Absence of Evidence to the contrary of the Fact stated therein such Certificate shall be admissible in Evidence in any Court of Justice or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence,

Evidence, without Proof of the Signature thereto, or of the Fact that the Person signing or purporting to sign the same is the Keeper of Land Revenue Records and Enrolments for the Time being; and a Copy of the Enrolment of the Memorial, certified in the Manner provided by an Act passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Sixty-two, Section Eight, shall be receivable as Evidence of the Deed or Facts referred to in such Memorial.

The Commissioners of Woods to indemnify Trustee for the Crown.

XLVIII. Every Trustee so nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, shall be absolutely indemnified by the said Commissioners for the Time being, out of the Rents and Profits of the Possessions and Land Revenues of the Crown, of and from all such Costs, Charges, Damages, and Expenses (if any) as he may in anywise whatsoever incur or be put to in consequence of having been so nominated, and which he may not be able to obtain Repayment of out of the Trust Moneys.

The Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c.

XLIX. The Commissioners of Her Majesty's Treasury may direct what reasonable Fees shall be from Time to Time paid in respect of the Revision and Enrolment, as by this Act provided, of any such Deed of Enfranchisement or Conveyance of any Land to be so purchased, and such Fees shall be deemed to be Part of the Expenses of the Enfranchisement or Purchase, as the Case may be, and shall be paid or be recoverable accordingly.

Provision as to Manors held in Joint Tenancy with the Crown.

L. Any Manor vested in Her Majesty in right of Her Crown in possession, remainder, or reversion, in Joint Tenancy or Coparcenary with any Subject, may, so far as regards the Rights and Interests of such Subject and of the Tenant of such Manor, be dealt with under the Copyhold Acts, and the Provision of this Act in regard to Enfranchisements in Manors vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance shall apply to Manors so vested in Her Majesty in Joint Tenancy or Coparcenary with any Subject, so far as respects the Share or Interest in any such Manor to which Her Majesty may be so entitled.

"Ecclesiastical Corporation" not to extend to Christ Church, Oxford.

LI. In the Construction of this Act the Words "Ecclesiastical Corporation" shall not be taken to extend to or include the Cathedral or House of *Christ Church, Oxford.*

Act to be Part of the Copyhold Acts.

LII. This Act shall be taken and construed as Part of the Copyhold Acts, and may be cited either generally under the Term "the Copyhold Acts" or specifically as "The Copyhold Act, 1858."

CAP. XCV.

An Act to amend the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven.

[2d *August* 1858.]

20 & 21 Vict. c. 77.

'WHEREAS in the last Session of Parliament an Act was passed, intituled *An Act to amend the Law relating to Probates and Letters of Administration in* England, herein-

'after designated "The Court of Probate Act:" And whereas 'it is expedient to amend the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Judge of the High Court of Admiralty and the Judge of the Court of Probate may sit for each other.

I. It shall be lawful for the Judge of the High Court of Admiralty to sit in open Court or in Chambers for the Judge of Her Majesty's Court of Probate, and it shall be lawful for the Judge of Her Majesty's Court of Probate to sit in open Court or in Chambers for the Judge of the High Court of Admiralty; and all Orders, Decrees, or Sentences, and other Acts whatsoever, made, decreed, pronounced, or done by either of the Judges aforesaid acting for the other, shall, in the Court Books, be stated to have been made, decreed, pronounced, or done by such Judge sitting and acting on behalf of such other Judge; and such Orders, Decrees, Sentences, and other Acts so made, decreed, pronounced, or done shall have the same Force and Validity in Law as if they had been made, decreed, pronounced, or done by the Judge on whose Behalf they purport to have been so made, decreed, pronounced, or done.

Serjeants, &c. may practise in Court of Probate.

II. All Serjeants and Barristers-at-Law shall be entitled from and after the passing of this Act to practise in all Causes and Matters whatsoever in the Court of Probate.

The Judge of the Court of Probate may sit in Chambers.

III. It shall be lawful for the Judge of the Court of Probate for the Time being to sit in Chambers for the Dispatch of such Part of the Business of the said Court as can in the Opinion of the said Judge, with Advantage to the Suitors, be heard in Chambers; and the Times at which such Sittings shall be held shall from Time to Time be fixed by the Judge: Provided always, that no Question shall be heard in Chambers which either Party shall require to be heard in open Court.

The Treasury to cause Chambers to be provided.

IV. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the Judge of the Court of Probate shall sit for the Dispatch of such Business as aforesaid; and until such Chambers are provided elsewhere the said Judge shall sit in Chambers in any Room which he may find convenient for the Purpose.

Powers of Judge when in Chambers.

V. The Judge of the Court of Probate, when so sitting in Chambers, shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

Power to appoint an additional Registrar.

VI. 'Whereas there are now Three Registrars only of the 'Principal Registry of the said Court, that is to say, *Augustus* '*Frederic Bayford*, the Senior Registrar; *Charles John Mid-* '*dleton*, the Second Registrar; and *Edward Francis Jenner*, the 'Third Registrar: And whereas the Duties of the said Prin- 'cipal Registry cannot be efficiently discharged by Three 'Registrars:' Be it enacted, That it shall be lawful for the Judge of the said Court to appoint a Fourth Registrar for the Principal Registry of the said Court, in addition to the Three Registrars

Registrars appointed under the Court of Probate Act; and from and after the Appointment of such Fourth Registrar there shall be paid to each of the said Registrars the annual Salary mentioned in the Schedule to this Act, in lieu of the Salary provided by the Court of Probate Act, such Salaries to be paid out of any Monies provided by Parliament for the Purposes of the said Act: Provided always, that nothing herein contained shall be construed to diminish the Salary of any of the Three Registrars appointed before the passing of this Act.

Vacancy in Office of Registrar how to be filled up.

VII. On the Death, Resignation, or Removal of any of the Four Registrars of the said Principal Registry, other than the Junior Registrar for the Time being, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority to whom no sufficient Objection shall be made to the Satisfaction of the Judge of the said Court.

Certain Clerks eligible to be Registrars, &c.

VIII. Clerks having served Five Years in the Principal Registry of the Court of Probate shall be eligible to be appointed Registrars or District Registrars of the said Court.

Certain Articled Clerks to be admitted Proctors of the Court of Probate.

IX. It shall be lawful for the Judge of the Court of Probate to admit any Person who at the Time of the passing of the Court of Probate Act was articled to a Proctor in *Doctors Commons*, or to a Proctor belonging to any Ecclesiastical Court, so soon as he shall have served the full Term for which he was articled, or within the Period of One Year therefrom, to be a Proctor of Her Majesty's Court of Probate, upon the Payment of such Fees as shall be fixed by the Judge of the said Court, with the Sanction of the Commissioners of Her Majesty's Treasury.

Where Personalty is under 200*l.* County Court to have Jurisdiction.

X. Where it appears by Affidavit to the Satisfaction of a Registrar of the Principal Registry that the Testator or Intestate in respect of whose Estate a Grant or Revocation of a Grant of Probate or Letters of Administration is applied for had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to the said "Court of Probate Act," and that the Personal Estate in respect of which such Probate or Letters of Administration are to be or have been granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, was at the Time of his Death under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate of the Value of Three hundred Pounds or upwards, the Judge of the County Court having Jurisdiction in the Place in which the Deceased had at the Time of his or her Death a fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

XI. Section

Sect. 54. of 20 & 21 Vict. c. 77. repealed; and Sect. 59. to apply to Applications for Revocation of Grants.

XI. Section Fifty-four of the said Court of Probate Act shall be and the same is hereby repealed.

XII. The said Court of Probate Act, Section Fifty-nine, shall, so far as the County Courts or a Judge thereof are concerned, apply to an Application for the Revocation of a Grant of Probate or Administration as well as to an Application for any such Grant.

Power to make Rules and Orders and frame Scales of Fees for the County Courts.

XIII. The Power and Authority to make Rules and Orders for regulating the Proceedings of the County Courts shall extend and be applicable to all Proceedings in the County Courts under this Act, and also to framing a Scale of Costs and Charges to be paid to Counsel, Proctors, Solicitors, and Attornies, in respect of Proceedings in County Courts, under the said Court of Probate Act or this Act.

Noncontentious Business pending in any Ecclesiastical Court to be transferred.

XIV. All Noncontentious Business pending in any Ecclesiastical Court at the Time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same Way as all pending Suits were transferred to the said Court under the said Act, and all Acts executed under the Authority of any such Ecclesiastical Court with reference to such Business which would have been valid if the Authority of such Court had not been abolished shall be valid, and all Oaths and Bonds sworn and executed in manner required by any such Ecclesiastical Court in reference to such Business, prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, shall continue to have and be deemed to have had the same Force and Effect in Law as they would have had if sworn and executed in pursuance of the Provisions of the said Act or of this Act.

Bonds given before Jan. 11, 1858, to remain in force.

XV. Bonds given to any Archbishop, Bishop, or other Person exercising Testamentary Jurisdiction in respect of Grants of Letters of Administration made prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, or in respect of Grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a Commission or Requisition executed before or after the said Eleventh Day of *January*, shall enure to the Benefit of the Judge of the Court of Probate, and, if necessary, shall be put in force in the same Manner and subject to the same Rules (so far as the same may be applicable to them) as if they had been given to the Judge of the said Court subsequently to that Day.

An Executor not acting or not appearing to a Citation to be treated as if he had renounced.

XVI. Whenever an Executor appointed in a Will survives the Testator, but dies without having taken Probate, and whenever an Executor named in a Will is cited to take Probate, and does not appear to such Citation, the Right of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Judge of the Court of Probate may

XVII. The Judge of the Court of Probate shall have and exercise the same Power of altering and amending Grants of

of Probate and Letters of Administration made before the Eleventh Day of *January* One thousand eight hundred and fifty-eight as any Ecclesiastical Court had and exercised in respect of such Grants.

amend Grants made before Jan. 11, 1858.

XVIII. The Provisions of an Act passed in the Thirty-eighth Year of *George* the Third, Chapter Eighty-seven, and of "The Court of Probate Act," shall be extended to all Executors and Administrators residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity, whether it be or be not intended to institute Proceedings in the Court of Chancery, and to all Grants made before and subsequently to the passing of the last-mentioned Act, and it shall be lawful to alter the Language of the Grant prescribed by the first-named Statute so as to make it apply to Grants made in the Court of Probate under last-mentioned Act.

Provisions of 38 G. 3. c. 87. and 20 & 21 Vict. c. 77. extended to all Cases of Executors and Administrators.

XIX. From and after the Decease of any Person dying intestate, and until Letters of Administration shall be granted in respect of his Estate and Effects, the Personal Estate and Effects of such deceased Person shall be vested in the Judge of the Court of Probate for the Time being, in the same Manner and to the same Extent as heretofore they vested in the Ordinary.

Between the Death of the Person deceased and the Grant the Property to vest in the Judge Ordinary.

XX. All Second and subsequent Grants of Probate or Letters of Administration shall be made in the Principal Registry, or in the District Registry where the original Will is registered or the original Grant of Letters of Administration has been made, or in the District Registry to which the original Will or a registered Copy thereof, or the Record of the original Grant of Administration, have been transmitted, by virtue of a Requisition issued in pursuance of Section Eighty-nine of "The Court of Probate Act;" and for and in respect of such Second or subsequent Grants of Probate or Letters of Administration to be made in a District Registry it shall not be requisite that it should appear by Affidavit that the Testator or Intestate had a fixed Place of Abode within the District in which the Application is made.

Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.

XXI. It shall be lawful for the Court of Probate to require Security by Bond, in such Form as by any Rules and Orders shall from Time to Time be directed, with or without Sureties, from any Receiver of the Real Estate of any deceased Person appointed by the said Court, under Section Seventy-one of "The Court of Probate Act;" and the Court may, on Application, made on Motion or in a summary Way, order One of the Registrars of the Court to assign the same to some Person to be named in such Order; and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Security, or put the same in force in his or their own Name or Names, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the said Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, the full Amount due in virtue thereof.

The Court of Probate may require Security from a Receiver of Real Estate.

XXII. All the Provisions contained in the Court of Probate Act respecting Grants of Administration pending Suit shall be deemed

Administration pending Suit deemed to apply to Appeals.

deemed to apply to the Case of Appeals to the House of Lords under the said Act.

Registrar may issue Subpœnas to produce Papers, &c.

XXIII. It shall be lawful for a Registrar of the Principal Registry of the Court of Probate, and whether any Suit or other Proceeding shall or shall not be pending in the said Court, to issue a Subpœna requiring any Person to produce and bring into the Principal or any District Registry, or otherwise, as in the said Subpœna may be directed, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession, within the Power, or under the Control of such Person, and such Person, upon being duly served with the said Subpœna, shall be bound to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default as if he had been a Party to a Suit in the said Court, and had been ordered by the Judge of the Court of Probate to produce and bring in such Paper or Writing.

The Registrars to do all Acts heretofore done by Surrogates.

XXIV. The Registrars of the Principal Registry shall be invested with and shall and may exercise with reference to Proceedings in the Court of Probate the same Power and Authority which Surrogates of the Judge of the Prerogative Court of *Canterbury* could or might before the passing of the Court of Probate Act have exercised in Chambers with reference to Proceedings in the said Prerogative Court.

Copies of Wills may be certified by a Stamp.

XXV. Copies of Wills required to be transmitted by a District Registrar, and certified by him to be correct Copies, under Section Fifty-one of the Court of Probate Act, may be so certified and transmitted under a Stamp provided by the District Registrar for that Purpose, and approved of by the Judge of the Court of Probate.

Certificates from the Principal Registry may be stamped.

XXVI. Certificates issued from the Principal Registry with reference to Notices of Applications transmitted from the District Registrars under Section Forty-nine of the Court of Probate Act need not be made under the Hand of a Registrar of the Principal Registry, as required by the said Act, but may be issued under a Stamp provided for that Purpose, and approved of by the Judge of the Court of Probate.

Requisitions may be issued for the Transmission of a single Paper.

XXVII. 'Whereas Doubts have been entertained whether 'a Requisition can be issued under Section Eighty-nine of the 'Court of Probate Act for the Transmission of One or more 'Papers only, not being all the Papers and Documents in the 'Custody of the Person to whom any such Requisition may be 'addressed:' Be it therefore enacted and declared, That the said Section shall be construed to extend to all Requisitions, whether for the Transmission of One or of more Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, or other Instruments relating exclusively or principally to Matters and Causes Testamentary.

Power to enforce Decree as to Costs.

XXVIII. The Judge of the Court of Probate, and the Registrars of the Principal Registry thereof, shall respectively, in any Case where an Ecclesiastical or other Court having Testamentary

Testamentary Jurisdiction had previously to the Eleventh Day of *January* One thousand eight hundred and fifty-eight made any Order or Decree in respect of Costs, have the same Power of taxing such Costs, and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court of Probate: Provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any such Courts before the Time aforesaid, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Prerogative Court of *Canterbury*.

Letters of Administration granted in Ireland not to be resealed in England, until sufficient Bond is given.

XXIX. Letters of Administration granted by the Court of Probate in *Ireland* shall not be resealed, under Section Ninety-five of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-nine, until a Certificate has been filed under the Hand of a Registrar of the Court of Probate in *Ireland* that Bond has been given to the Judge of the Court of Probate in *Ireland* in a Sum sufficient in Amount to cover the Property in *England* as well as in *Ireland* in respect of which such Administration is required to be resealed.

Commissioners may be appointed in the Isle of Man, &c.

XXX. It shall be lawful for the Judge of the Court of Probate to appoint, by Commission under Seal of the Court, any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, to administer Oaths, and to take Declarations or Affirmations, and to exercise any other Powers which can be exercised by Commissioners of Her Majesty's Court of Probate; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court of Probate may charge and take.

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

XXXI. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court of Probate from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of *George* the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth of *Victoria*, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath.

Affidavits, before whom to be sworn.

XXXII. Affidavits, Declarations, and Affirmations to be used in the Court of Probate may be sworn and taken in *Scotland*, *Ireland*, the *Isle of Man*, the *Channel Islands*, or any Colony, Island, Plantation, or Place out of *England* under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the *Isle of Man* and the *Channel Islands*, before

before any Commissary, Ecclesiastical Judge, or Surrogate, who at the Time of the passing of the Court of Probate Act was authorized to administer Oaths in the *Isle of Man* or in the *Channel Islands* respectively, and all Registrars and other Officers of the Court of Probate shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

Persons forging Seal or Signature guilty of Felony.

XXXIII. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed, under the Provisions of the said Act of the Sixth of *George* the Fourth, or of the said Act of the Eighteenth and Nineteenth *Victoria*, to any Affidavit, Declaration, or Affirmation to be used in the Court of Probate, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate guilty of Perjury.

XXXIV. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely, in any Affidavit or Deposition before any Surrogate having Authority to administer Oaths under the Court of Probate Act, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the *Channel Islands*, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Provision for the necessary Absence of Officers.

XXXV. In case any Officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall, by reason of Ill-health or other Infirmity, become temporarily incapable of performing the Duties of his Office, it shall be

be lawful for the Judge to appoint some other fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall, during such Period, have all the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively or be fixed by the Judge, and the Judge may, at his Discretion, give Leave of Absence to any Officer of the Court for any Period not exceeding Two Months in any Year, and shall have the like Power of making Provision for the Discharge of the Duties of the Office during such Absence.

The Judge to have the same Powers over Practitioners as Judges of other Courts.

XXXVI. The Judge of the Court of Probate shall have and exercise over Proctors, Solicitors, and Attornies practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or Common Law over Persons practising therein as Solicitors or Attornies.

Provision for Expenses of indexing, &c. Documents required to be removed under Requisition.

XXXVII. When any Requisition shall issue in pursuance of Section Eighty-nine of "The Court of Probate Act, 1857," it shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be paid all such Expenses attending the arranging, Classification, Indexing, Carriage, or otherwise connected with the Removal of the Documents or Books required by such Requisition to be removed, as the Judge shall from Time to Time certify to the said Commissioners to be proper and necessary.

Short Title of Act.

XXXVIII. In citing the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven, in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Court of Probate Act, 1857," and in citing this Act, the Expression "Court of Probate Act, 1858."

SCHEDULE.

	£
Senior Registrar - - - -	1,600
Second " - - - - -	1,400
Third " - - - - -	1,200
Fourth " - - - - -	1,000

CAP. XCVI.

An Act to amend "The *West Indian* Incumbered Estates Act, 1854." [2d *August* 1858.]

'WHEREAS it is expedient that "The *West Indian* Incumbered Estates Act, 1854," should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may for all Purposes be cited as "The *West Indian* Incumbered Estates Act, 1858."

Definition of Principal Act, &c.

II. "The *West Indian* Incumbered Estates Act, 1854," (herein-after called "the Principal Act,") and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act; and this Act and the Principal Act (herein-after referred to as "these Acts") may for all Purposes be cited as "the *West Indian* Incumbered Estates Acts, 1854, 1858."

Certain Clauses of 17 & 18 Vict. c. 117. repealed.

III. The Third, Tenth, Seventeenth, Twenty-fifth, Thirty-second, Thirty-third, Thirty-fourth, Thirty-eighth, Forty-fifth, and Fiftieth Sections of the Principal Act shall be and are hereby repealed.

Construction of Terms, &c.

IV. In the Construction and for the Purposes of these Acts (except when the Context or other Provisions of these Acts require a different Construction) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"Land" shall extend to Sugar and other Plantations, Messuages, Tenements, Rents, and Hereditaments, corporeal and incorporeal, of every Tenure or Description, as well as all Fixtures and Machinery annexed thereto, and any undivided Share thereof:

"Estate" shall extend to an Estate in Equity as well as at Law, and to an Equity of Redemption:

"Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Court of Law or Equity, and also any Debt, Portion, Legacy, Lien, or other Charge whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charges which by the Instrument creating the same or by any other Instrument is made repurchaseable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity, and also any Sum of Money constituting a Charge or Lien on Land or raiseable out of Land:

"Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof:

"Possession" shall include the Receipt of the Rents and Profits:

"Owner" shall include any Person entitled in possession, either at Law or in Equity, to Land, or to the Receipt of the Rents and Profits thereof, or who would be so entitled if there were no Incumbrance on such Land, for a Term of

of not less than Thirty Years unexpired, or for an Estate or Interest for his own Life, or for an Estate or Interest determinable on the dropping of any Life or Lives, or for any greater Estate or Interest:

"Person and Owner" shall extend to a Body Politic or Corporate as well as to an Individual:

"Commissioners" shall mean the Persons appointed Commissioners for the Sale of Incumbered Estates in the *West Indies.*

Duration of Office and Powers of Commissioners.

V. The Offices of the Commissioners, and all Powers, Rights, and Privileges pertaining thereto, shall continue and be in force only for a Period of Five Years next after the Day of the passing of this Act, and from thenceforth until the End of the then next Session of Parliament.

Commissioners to be a Court of Record, and have Jurisdiction of a Court of Equity.

VI. The Commissioners shall constitute One Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in *England,* and in any Colony or Colonies within which these Acts may be or come into operation for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and for settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Applications may be made under these Acts, or in the Money to arise from Sales under these Acts, and for all other the Purposes of these Acts, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under these Acts as are vested in a Court of Equity in relation to a Sale under the Direction of such Court; and all Proceedings, Inquiries, Suits, or Trials to be taken, made, or had under these Acts, and all Investigations of any Matters or Things arising out of or incidental to any such Proceedings, Inquiries, Suits, or Trials, may, subject to the Provisions herein-after contained, be at any Stage or at any Time transferred from *England* to any Colony, or from any Colony to *England.*

Powers of Commissioners to enforce Order.

VII. In all Cases within their Jurisdiction the Commissioners shall, with respect to the following Matters, (that is to say,)

The enforcing the Attendance of Persons summoned to give Evidence,

The enforcing the Production of Deeds, Books, Papers, Documents, and Writings,

The punishing Persons refusing to give Evidence or guilty of a Contempt,

The enforcing any Order whatever made by them under any of the Powers or Authorities of these Acts, or otherwise in relation to the Matters to be inquired into and done by them under these Acts,

Have all such Powers, Rights, and Privileges as are by Law vested in the High Court of Chancery in *England* for such or

the like Purposes in relation to any Suit or Matter depending in such Court, and shall have also, in any Colony or other Part of Her Majesty's Dominions, all such Powers, Rights, and Privileges as are possessed by the Supreme Court of Judicature in such Colony or other Part of Her Majesty's Dominions, for such or the like Purposes in relation to any Action, Suit, Matter, or Thing depending in such Court; and it shall be lawful for the Commissioners either to carry into effect such Powers, Rights, and Privileges by Officers appointed by themselves, or to request the said High Court of Chancery, or such Court of Judicature as aforesaid, or any Officer thereof, to enforce any Orders made by them, and such Court or Officer shall thereupon enforce the same accordingly.

Restrictions on Sale.

VIII. The Commissioners shall not make an Order for Sale of any Land upon Application by an Incumbrancer thereon, in case it be shown to the Satisfaction of the Commissioners by the Owner of such Land that no Part of such Land is subject to any Receiver, or is in the Possession of any Incumbrancer, or has been out of Cultivation for the Space of Twelve Months preceding such Application, and that the Amount of the yearly Interest on the Incumbrances and other yearly Payments (if any) in respect of Charges payable out of the Income of such Land, and the other Lands (if any) subject to the same Incumbrances, do not exceed One Half of the net yearly Income of such Land and other Lands (if any), such yearly Income to be calculated on the average Profits or Income (if any) derived therefrom, after deducting all the necessary Outgoings (if any) during the preceding Seven Years, or during such other Period as the Commissioners may, having regard to any special Circumstances, think fit, or in case, for any Reason whatever, it shall appear to the Commissioners unjust or inexpedient that a Sale should be made: Provided always, that the Decision of the Commissioners thereupon, so far as the same relates to their Power and Jurisdiction over such Land, shall in all Cases be final and conclusive to all Intents and Purposes whatsoever.

Tenancies to be ascertained.

IX. Where a Sale shall be made under these Acts, the Commissioners shall, when and so far as they may deem necessary for the Purposes of such Sale, ascertain the Tenancies of the occupying Tenants, and of any Lessees, Under-lessees, or other Parties whose Tenancies, Leases, Under-leases, or other Interests affect the Land to be sold, or any Part thereof, and may give such Notices, and make or cause to be made such Inquiries, as they shall think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or other Parties as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees, Under-lessees, or Parties interested as aforesaid, shall, at such Times and Places as the Commissioners may require, produce all Leases, Underleases, Agreements in Writing, and other Deeds or Documents under which such Tenants or Persons occupy or claim, if such

Leases

Leases, Under-leases, Agreements, or other Deeds or Documents, or Counterparts thereof, be in their Possession or Power, and where they occupy or claim under Leases, Under-leases, Agreements in Writing, or other Deeds or Documents not in their Possession or Power, or under parol Agreements or Contracts, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim; and the Sale shall be made subject to the Tenancies, Leases, Under-leases, or Interests, ascertained as aforesaid, and subject to which the Owner or Incumbrancer applying for a Sale shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, Under-leases, and Interests, ascertained as aforesaid, as shall appear to the Commissioners to have been granted *bonâ fide* by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Commissioners that the Sale should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as shall be included in such Sale, and, where the Commissioners think fit, subject to any Leases, Under-leases, Tenancies, or other Interests according to any general Description, or subject to any Condition concerning any Leases, Under-leases, Tenancies, or Interest the Nature of which shall not have been ascertained or shall be disputed; and when the Commissioners shall think fit, such Sale may be made subject to any annual Charge affecting the Land to be sold or any Part thereof, or to any such apportioned Part of any such annual Charge as the Commissioners may think fit to remain charged thereon; and where such Land or any Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Commissioners think fit, be made subject to such Incumbrance.

Effect of Conveyance.

X. Every Conveyance executed by the Commissioners in pursuance of these Acts shall be effectual to pass the Fee Simple and Inheritance and absolute Interest of and in the Land thereby expressed to be conveyed, or such lesser Estate or Interest as may in such Conveyance be specified, subject to such Rights and uncommuted Payments, if any, as are referred to in the Thirty-sixth Section of the Principal Act, and to such Tenancies, Leases, Under-leases, Incumbrances, and Interests as shall be expressed or referred to in the said Conveyance as aforesaid, but, save as aforesaid, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and no Conveyance made by the Commissioners shall be set aside on the Ground of their not having Jurisdiction over the Subject Matter thereof.

Provision for setting aside Monies to meet Incumbrances.

XI. It shall be lawful for the Commissioners, where they think fit, to pay to any Person entitled to any annual or other Charge or Interest, not being an Incumbrance according to the

Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof, or of a Part thereof; and the Commissioners may, in all Cases where they think fit, invest or provide for the Investment of Money, to meet as far as possible any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Commissioners proper or expedient so to do, and may otherwise make and give such Orders and Directions for applying the Monies arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of all interested Parties; but nothing in these Acts or either of them contained shall be construed to restrain the Commissioners, if they shall think fit, from selling any Land within their Jurisdiction, absolutely freed and discharged from all Estates, Rights, Titles, Interests, Incumbrances, Claims, and Demands whatsoever, whether at Law or in Equity, and whether annual or periodical, future, vested, contingent, or otherwise, save and except such Rights and Interests as are set forth in the Thirty-sixth Section to the said Principal Act.

Provision for Person under Disability.

XII. Where any Person, who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under these Acts, shall be an Infant, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Application, give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively if free from Disability might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of these Acts; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall for the Purpose of these Acts be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were idiot or lunatic, would be authorized to act for and represent such Person, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Commissioners to appoint a Guardian of such Person for the Purpose of any Proceedings under these Acts, and from Time to Time to change such Guardian; and, where the Commissioners see fit, they may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceedings under these Acts, and from Time to Time to remove or change such next Friend.

Conveyance, &c. exempt from Stamp Duty.

XIII. Every Conveyance, or Order for Partition, Exchange, or Division, executed or made by the Commissioners in pursuance of these Acts, shall be exempt from Stamp Duty, notwithstanding the same may have been executed or made in *England*.

XIV. Where

XIV. Where Her Majesty by Order in Council has directed or shall direct the Principal Act to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty praying Her Majesty to issue such Order, then and in every such Case such Order and such Address respectively shall apply and be construed to apply as well to this Act as to the Principal Act.

Provision as to these Acts coming into operation.

CAP. XCVII.

An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health.

[2d *August* 1858.]

'WHEREAS under an Act of the last Session of Parliament, Chapter Thirty-eight, the General Board of Health stands continued only until the First Day of *September* One thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain Powers now vested in the said General Board of Health, and certain other Powers for the Protection of the Public Health:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 38.

I. In addition to the Powers vested in Her Majesty's most Honourable Privy Council for the Protection of the Public Health, all Powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the Discontinuance of the said Board, be vested in the said Privy Council, and the Provisions of the said Act having reference to the General Board of Health and the Regulations and Directions issued by them, except Section Thirteen, shall be construed as referring to such Privy Council and the Regulations and Directions issued by them.

Powers of General Board of Health under 18 & 19 Vict. c. 116. added to those of the Privy Council.

II. The Privy Council may from Time to Time issue such Regulations as they think fit for securing the due Qualification of Persons to be hereafter contracted with by Guardians and Overseers of Unions and Parishes in *England* for the Vaccination of Persons resident in such Unions and Parishes, and for securing the efficient Performance of Vaccination by the Persons already or hereafter to be contracted with as aforesaid; and any Money from Time to Time provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied under the Directions of the Privy Council.

Certain Powers in relation to Public Vaccination vested in Privy Council.

III. The Privy Council may from Time to Time cause to be made such Inquiries as they see fit in relation to any Matters concerning the Public Health in any Place or Places, and to the Observance of the Regulations and Directions issued by them under this Act.

Privy Council may direct Inquiries.

Privy Council to appoint Medical Officer, &c.

IV. The Powers of appointing and removing a Medical Officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the Discontinuance of that Board, be vested in the Privy Council; and the Person who at the Time of the Cesser of the General Board of Health may be their Medical Officer shall become the Medical Officer of the Privy Council, subject to such Power of Removal as aforesaid; and the Privy Council may also from Time to Time employ such other Persons as they deem necessary for the Purposes of this Act; and there shall be paid to the Medical Officer such Salary not exceeding Fifteen hundred Pounds *per Annum*, and to such other Persons such Remuneration and Allowances, as the Commissioners of Her Majesty's Treasury may direct; and such Salary, Remuneration, and Allowances shall be paid out of such Monies as shall be provided by Parliament.

Medical Officer to report annually as to the Execution of this Act.

V. The Medical Officer shall from Time to Time report to the Privy Council in relation to any Matters concerning the Public Health or such Matters as may be referred to him for that Purpose, and shall, in or before the Month of *March* in each Year, report to the Privy Council the Proceedings had and taken under this Act during the preceding Year ending on the Thirty-first Day of *December*.

Reports to be laid before Parliament.

VI. The Annual Report made by the Medical Officer as aforesaid shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if not, then within Fourteen Days after the next Meeting of Parliament, together with all other Reports made by him under this Act, during the Period to which such Annual Report relates.

As to the making and Authentication of Orders, &c.

VII. All Powers vested in the Privy Council by this Act may be exercised by any Three or more of the Lords and others of the Privy Council, the Vice President of the Committee of the said Privy Council on Education being One of them, and all Orders, Regulations, Directions, and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf; and all Orders, Regulations, Directions, and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such Document shall be received in Evidence in all Courts and before all Justices and others without Proof of the Authority or Signature of such Clerk or other Officer, or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

Proceedings for Penalties under Vaccination Acts.

VIII. Proceedings for Penalties under the Acts for the Time being in force on the Subject of Vaccination may be taken on the Complaint of any Registrar employed for the Registration of Births, Deaths, and Marriages, Public Vaccinator, or Officer authorized

authorized by the Board of Guardians or by the Overseers respectively, and the Cost of such Proceedings shall be defrayed out of the Common Fund of the Union, or out of the Poor Rates of any Parish not included in a Union.

IX. This Act may be cited as "The Public Health Act, 1858," and shall be in force only until the First Day of *August* One thousand eight hundred and fifty-nine. Short Title and Continuance of Act.

CAP. XCVIII.

An Act to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts. [2d *August* 1858.]

'WHEREAS it is expedient to amend the Public Health 'Act, 1848, and to make further Provisions for the 'Local Government of Towns and populous Districts in '*England:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. This Act may be cited for all Purposes as "The Local Government Act, 1858." Short Title.

II. The Word "Borough," or "Corporate Borough," when used in this Act, or in any Act conferring Powers of a public Nature on the Corporate Bodies of Boroughs by their Council, shall include all Cities, Ports, Cinque Ports, or Corporate Towns mentioned in the Schedules to the Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and all Boroughs incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act. Interpretation of Terms. 5 & 6 W. 4. c. 76.

III. This Act shall not extend to *Scotland* or *Ireland*, and it shall not be adopted by any Place within the Limits of the Metropolis as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled *An Act for the better Local Management of the Metropolis.* Limits of Act. 18 & 19 Vict. c. 120.

IV. This Act shall be construed together with and be deemed to form Part of the Public Health Act, 1848: Words used in this Act shall be interpreted in the Sense assigned to them in the said Public Health Act: Byelaws framed under this Act shall be subject to Confirmation, enforced, and dealt with in all other respects as Byelaws under the said Public Health Act; and the Provisions of each of the said Acts shall, so far as may be consistent with the Provisions of this Act, respectively be applicable to all Matters and Things arising under the other Act. Provisions of this Act and 11 & 12 Vict. c. 63. to be construed together.

V. This Act shall take effect from the First Day of *September* One thousand eight hundred and fifty-eight in Places Period at which this Act to take effect.

Places where the Public Health Act, 1848, is already in force, wholly or partially: Provided always, that nothing in this Act shall affect the Qualification and Number of the Members of Local Boards of Health in such Places, or any Power, Right, Privilege, or Liability of any Board of Improvement Commissioners exercising Powers of the Public Health Act, 1848, or of any Town Council or Local Board of Health, under or by virtue of any General or Local Act of Parliament other than the said Public Health Act.

Not to affect Qualification or Powers of Local Boards.

Powers, &c. of Local Boards to be as under 11 & 12 Vict. c. 63., &c.

VI. Local Boards under this Act shall, subject to this Act, have all the Powers, Rights, Duties, and Liabilities of Local Boards of Health constituted under the Public Health Act, 1848, and the Acts incorporated therewith.

Construction of Terms, for Purposes of this Act, &c. in Acts herein-after incorporated.

VII. In the Construction, for the Purposes of this Act, of the Acts herein-after incorporated, the Expression "the Special Act" shall mean the Public Health Act, 1848, as brought into operation within the District, and this Act; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean the Date of the coming in force of this Act, or, in the Case of Districts under the Public Health Act, 1848, the First Day of *September* One thousand eight hundred and fifty-eight; and the Local Board shall, according to the Tenor of the incorporated Act, be deemed to be the Promoters of the Undertaking, "Town Commissioners," Commissioners, or "Undertakers;" and all Penalties incurred under the incorporated Acts shall be recovered in the same Way as Penalties incurred under the Public Health Act, 1848, and be applied in aid of the Purposes of that Act and this Act.

Provision in relation to Exercise of Powers under Public Health Act requiring Sanction of General Board of Health.

VIII. Whenever the Sanction, Consent, Direction, or Approval of the General Board of Health is required by Law to the Exercise of the Powers of Local Boards of Health or Boards of Improvement Commissioners, such Powers may, from the First Day of *September* One thousand eight hundred and fifty-eight, be exercised without such Sanction, Consent, Direction, or Approval, or any Sanction, Consent, Direction, or Approval in lieu thereof, except in so far as is provided by this Act: Provided always, that all Sanctions for the Mortgage of Rates given by the General Board of Health before the passing of this Act shall continue in full Force and Effect until all Monies the borrowing of which is thereby sanctioned have been borrowed.

Proceedings, Contracts, &c. begun or made under any Section of 11 & 12 Vict. c. 63. repealed by this Act may be proceeded with.

IX. All Proceedings, Contracts, Matters, and Things respectively begun or made under any Section of "The Public Health Act, 1848," repealed by this Act, may respectively be proceeded with and enforced as if no such Repeal had taken place, and all Powers exercised or Byelaws made under any such Section shall continue in force until the new Powers and Byelaws authorized by this Act are brought into operation, and no such Repeal shall affect any Decree or Order of the High Court of Chancery, or of any other Court of Justice, that has been obtained previously to the passing of this Act.

X. The

X. The Powers of the One hundred and fourteenth Section of "The Public Health Act, 1848," for the Appointment of a Receiver, may be exercised in the event of a Failure to elect a Local Board, or of the Lapse of a Local Board from Death, Resignation, Disqualification, or otherwise, of the Persons elected to serve on such Local Board; and in case of such Failure or Lapse any Receiver appointed under that Section may make as well as collect and receive Rates as directed in that Section, or such Rates as are required to satisfy all Liabilities of the Local Board, and may receive and recover all Arrears due to the said Local Board, and apply the same to meet such Liabilities; and any such Receiver shall have the same Powers with respect to other Creditors of the Local Board as he has by the said Section with regard to Mortgagees.

Powers of Sect. 114. of 11 & 12 Vict c. 63., for Appointment of Receiver, may be exercised in event of Failure to elect a Local Board.

XI. In the Case of any Failure to elect a Local Board, or of any Lapse of a Local Board as aforesaid, it shall be lawful for the Owners and Ratepayers of the District, by Resolution, as herein-after provided, for the Adoption of this Act, to proceed to Election of a new Local Board in the Manner provided by this Act, with the same Qualification of Members from Property or Rating as the lapsed Local Board, and the Result of such Election shall be signified to One of Her Majesty's Principal Secretaries of State by the Person conducting it, in the same Manner as is herein-after directed with regard to the Adoption of this Act; and all the Rights and Liabilities of the former Local Board shall attach to the new Local Board as if there had been no Lapse before the Election thereof, and from the Date of such Election all Powers of any Receiver to make Rates under the preceding Section shall determine.

Course of Proceeding in event of Failure to elect a Local Board.

As to Adoption of Act and Constitution of Local Boards.

XII. This Act may be adopted,

(1.) In Corporate Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose: Provided always, that this Act shall not be adopted in Corporate Boroughs until after the Election of Councillors on the First Day of *November* One thousand eight hundred and fifty-eight:

(2.) In other Places under the Jurisdiction of a Board of Improvement Commissioners, where all or Part of the Commissioners are elected by Ratepayers, or by Owners and Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(3.) In all other Places having a known or defined Boundary, by a Resolution of the Owners and Ratepayers:

But no such Resolution passed by any Council or Board of Improvement Commissioners shall be valid unless a Month's

Act to be adopted by Resolution of Council, Improvement Commissioners, or Owners and Ratepayers.

a Month's previous Notice of the Meeting, and of the Purpose thereof, has been given in manner in which Notices of Meetings of such Council or Board of Commissioners are usually given, nor unless Two Thirds of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

As to summoning Meetings for Purpose of preceding Section.

XIII. (1.) Meetings for the Purpose of the preceding Section shall be summoned on the Requisition in Writing of any Twenty Ratepayers or Owners;

In Corporate Boroughs, by the Mayor;

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the said Commissioners;

In Places having known and defined Boundaries, not being Corporate Boroughs, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, by the Churchwardens or One of them, or if there are no Churchwardens the Overseers or One of them, or if there is none of the Officers respectively above enumerated, or if such Officer in any Case neglects, is unable, or refuses to perform the Duties hereby imposed on him, by any Person appointed by One of Her Majesty's Principal Secretaries of State:

Notice of Meeting.

(2.) In such Places as last aforesaid the Summoning Officer shall upon such Requisition fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof

By Advertisement in some One or more of the Newspapers circulated in the Place;

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed:

Meeting to choose Chairman.

(3.) The Meeting, on its assembling together, shall choose One of its Number as Chairman, who may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day;

Rules as to passing of Resolutions of Owners and Ratepayers.

(4.) The Chairman shall propose to the Meeting the Resolution for the Adoption of the Act, and the Meeting shall decide for or against such Adoption: Provided that if any Owner or Ratepayer shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken by Voting Papers in the Form A. given in the Schedule to this Act, in the same Way, and with the same Conditions as to Notice of voting, Delivery, filling up, Collection, Examination, Declaration of the Result, Custody of Voting Papers, Penalty for Neglect or Refusal to comply with the Provisions of the Act, Scale of Votes, and in all other respects whatsoever as is provided in the Public Health Act, 1848, in respect of the Election of Local Boards of Health; and

and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting:

Penalty for forging, &c. of Voting Papers.

(5.) If any Person fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XIV. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by One of Her Majesty's Principal Secretaries of State, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Power for partial Adoption of Act.

XV. Any Corporation or Body of Commissioners exercising Powers for sanitary Regulations under the Provisions of any Local Act may adopt any Part or Parts of this Act by Resolution of the Council or Commissioners, and such Resolution shall in every Case be passed and forwarded to One of Her Majesty's Principal Secretaries of State, as provided in this Act for the Adoption thereof, and thereupon the Part or Parts of this Act named in such Resolution shall be in force within the District comprised in such Local Act as fully and effectually as if such Part or Parts of this Act had been enacted in such Local Act: Provided always, that when the Parts of this Act thus adopted confer any Power of borrowing Money, such Power shall be exercised subject to the Provisions of this Act with respect to borrowing.

Adoption of Act by Place not having a known or defined Boundary.

Provision as to settling Boundaries on Petition.

XVI. (1.) Any Place not having a known or defined Boundary may petition One of Her Majesty's Principal Secretaries of State to settle its Boundary for the Purposes of this Act:

Rules as to Petitions for Settlement of Boundaries.

(2.) The Petition shall state the proposed Boundaries of the Place, shall be signed by One Tenth of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the said Secretary of State may require:

(3.) Upon the Receipt of such Petition the Secretary of State may direct Inquiry to be made as to the Genuineness of

of the Petition, and as to the propriety of the Proposed Boundaries; and

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given in the Place to which it refers:

(5.) The said Secretary of State may, upon Consideration of the Matter, either dismiss the Petition altogether, or make Order as to the Boundaries of the Place: He may also make Order as to the Costs of the Proceedings under this Section and the Parties by whom such Costs are to be borne:

Any Place may adopt this Act when Boundary settled.

(6.) Any Place the Boundaries of which have been settled in pursuance of the foregoing Provisions shall thenceforth, for the Purposes of this Act, be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly; and for the Purpose of enabling it so to do a Summoning Officer shall be appointed by the Order settling the Boundaries, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to decide as to the Adoption of this Act; and if such Officer dies, becomes incapable, neglects or refuses to perform his Duties, the said Secretary of State may, on the Application of any Four Ratepayers, appoint another Officer in his Room.

Appeal against Adoption of Act.

Power to appeal, by Petition, against Resolution to adopt this Act.

XVII. (1.) In Cases where a Resolution adopting this Act has been passed in any Place, if any Number, being not less than One Twentieth of the Owners and Ratepayers of such Place, such Twentieth to be One Twentieth in Number of the Owners and Ratepayers of the Place, taken together, or the Owners and Ratepayers in respect of One Twentieth of the rateable Property in the Place, are desirous that the whole or any Part of such Place should be excluded from the Operation of this Act, they may present a Petition to One of Her Majesty's Principal Secretaries of State, appealing against such Resolution, and praying that such Exclusion may be made:

Such Petition to be presented to Secretary of State.

(2.) Such Petition shall be presented within Twenty-one Days from the Date of the passing of the Resolution appealed against, and shall where the Exclusion of Part of a Place only is prayed for state,

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Owners and Ratepayers presenting the same:

Power to Secretary of State to direct Inquiry to be made.

(3.) Upon the Receipt of any such Petition as aforesaid, the said Secretary of State may direct Inquiry in the proposed District,

As to the Genuineness of the Petition; and

As to the Matters alleged in such Petition:

Notice of Inquiry.

(4.) Fourteen Days Notice of the Time, Place, and Subject of such Inquiry shall be given:

(5.) The

(5.) The said Secretary of State shall make Order with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force.

Order to be made by Secretary of State.

XVIII. It shall be lawful for any Owner or Ratepayer who disputes the Validity of the Vote for the Adoption of this Act to appeal within Fourteen Days from the Declaration of the Vote to One of Her Majesty's Principal Secretaries of State, setting forth the Grounds on which he disputes the Validity of such Vote, and it shall be lawful for any of Her Majesty's Principal Secretaries of State, on such Appeal, to direct Inquiry by any Officer employed by him in the Execution of this Act into the Circumstances of the Case, and to issue such Order thereon as he may deem requisite to determine the Questions arising on such Appeal, and as to the Validity or Invalidity of such Vote.

Appeal to Secretary of State in case of alleged Invalidity of Vote for Adoption of this Act.

General Provisions in relation to Adoption.

XIX. Whenever a Resolution adopting this Act has been passed in any Place, Notice thereof shall be given to One of Her Majesty's Principal Secretaries of State by the following Persons; that is to say,

In Corporate Boroughs by the Mayor:

In other Places under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places, by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement for Three successive Weeks in some One or more of the Newspapers circulated in the Place;

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And when such Notice has been so given, and the Time for such Appeal has expired, or such Appeal has been dismissed, a Notice shall be published in the *London Gazette*, by One of Her Majesty's Principal Secretaries of State, that this Act has been adopted within such Place.

Notice as to Adoption of Act to be given to Secretary of State.

XX. Whenever any Resolution adopting this Act has been passed in any Place this Act shall, at the Expiration of Two Months from the Date of the passing of such Resolution, or in the event of an Appeal, or of a Division of the District into Wards as herein-after provided, then at such Time as may be mentioned in the Order made on such Appeal, or in the Order setting out Wards, have the Force of Law within such Place; and the Expiration of such Period of Two Months, or such Date as may be mentioned in the said Order as the Time for

Provision as to the Time when this Act shall take effect.

for this Act to come into force, shall be called the Date of the Constitution of the District; provided that the Provisions of this Act relating to Purposes already included in any Local Act in force within the District with relation to any of the Purposes of the Public Health Act, 1848, or this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit, notwithstanding the Adoption of the Act, as herein-before provided, shall not come into operation until an Order has been made and confirmed, as herein-after prescribed, for the future Execution, Repeal, or Alteration of the said Local Act.

As to Objections made to Adoption of this Act.

XXI. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, or to any Order made in pursuance of this Act, or to any Proceedings upon which such Order was founded, unless the Objector has given Fourteen Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of Six Calendar Months from the Date of the Constitution of the District.

Proof of Adoption.

XXII. Publication of a Notice by a Secretary of State once in the *London Gazette*, and by the Mayor, Chairman of the Board of Improvement Commissioners, or Summoning Officer, respectively, for Three successive Weeks in any Newspaper published and circulated in the Town or District that this Act has been adopted in any Place, shall be conclusive Evidence of such Adoption.

Provision as to Payment of Costs, &c. incurred in relation to Adoption.

XXIII. In Cases where this Act has been adopted by any Place, all Costs, Charges, and Expenses incurred by any of Her Majesty's Principal Secretaries of State, in relation to any such Adoption, or to any Proceedings connected therewith, or which such Secretary is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Constitution of Local Boards.

Local Boards how constituted.

XXIV. The Duty of carrying into execution this Act shall be vested in a Local Board; and such Local Board shall be,

(1.) In Corporate Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council:

(2.) In

(2.) In other Places under the Jurisdiction of such a Board of Improvement Commissioners as herein-before mentioned, the Board of Commissioners:

(3.) In other Places, such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for the Purpose of this Section; but no Person shall be qualified to be a Member of such Local Board unless he is at the Time of his Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within Seven Miles thereof, and is seised or possessed of Real or Personal Estate, or both, to the Value of not less than Five hundred Pounds in Districts containing less than Twenty thousand Inhabitants, or to the Value of not less than One thousand Pounds in Districts containing Twenty thousand or more Inhabitants, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than Fifteen Pounds in Districts containing less than Twenty thousand Inhabitants, or on an annual Value of not less than Thirty Pounds in Districts containing Twenty thousand or more Inhabitants; provided that if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected, but the Property shall not at the same Time qualify the Owner and the Occupier thereof:

District may be divided into Wards with Sanction of Secretary of State.

(4.) Local Boards of Health in Districts where the Public Health Act, 1848, is applied, may, with the Sanction of One of Her Majesty's Principal Secretaries of State, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward: In Districts where this Act is adopted, the Owners and Ratepayers may by Resolution direct a Petition to One of Her Majesty's Principal Secretaries of State to divide the District into Wards, for the Purpose of Election of the Local Board, and to declare what Proportion of the Members of the Local Board shall be elected by each Ward, and the said Secretary of State

State may by his Order make such Division and Declaration after such Inquiry as he shall deem necessary, and Fourteen Days Notice shall be given of the Time, Place, and Object of such Inquiry; and if any Member be elected in more than One Ward, he shall within Three Days Notice thereof choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards; no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to give if the District had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but subject to these Limitations, any Ratepayer or Owner may, by Notice in Writing delivered to the Clerk of the Local Board, or in case of the First Election to the Person appointed to conduct that Election, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside:

As to Election of Local Boards.

(5.) The Election of Local Boards shall be conducted in the Manner directed by the Public Health Act, 1848, for the Election of Local Boards of Health; and the Summoning Officer shall conduct the First Election; and the Members of the Local Board shall take such Declaration, continue in Office for the same Time, and be liable to such Disqualifications and Penalties, as the Members of Local Boards of Health under the said Public Health Act as altered by this Act:

(6.) If any Person nominated, or any Person on his Behalf, give at least One clear Day's Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

As to casual Vacancies.

(7.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall

shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(8.) In the Case of Districts not consisting of Boroughs or Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than Ten Days after the Election of the Local Board, and at such Place, as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint.

As to First Meeting of Local Board.

XXV. Notwithstanding anything contained in the Public Health Act, 1848,

Disqualification of Members of Local Boards.

(1.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board:

(2.) Nor by absenting himself from Meetings of the Board, if he be not absent from the District for more than Six Months at one and the same Time, unless in case of Illness, nor by reason of his being interested in any Contract with the Local Board as a Shareholder in any Company established under the Provisions of the Joint Stock Companies Acts or any of them, with or without a limited Liability, provided no Member of a Local Board, being a Shareholder, shall vote on any Question in which the Company is interested:

(3.) It shall be lawful for One of Her Majesty's Principal Secretaries of State to dispense in any Case with the Prohibition contained in the Nineteenth Section of the Public Health Act, 1848, by which no Member of a Local Board, being a Shareholder in any Company or Concern established for the Supply of Water, or for the carrying on of any other Works of a like public Nature, is entitled to vote upon any Question in which such Company or Concern is interested.

Powers of Local Board to vest in Town Council when a District becomes a Corporate Borough.

XXVI. So much of the Thirty-third Section of the Public Health Act, 1848, as requires that a Day shall be specified in any Charter of Incorporation by which the District of a Local Board becomes a Corporate Borough, from and after which the Powers, Authorities, Duties, Property, and Liabilities of the Local Board shall be vested in the Mayor, Aldermen, and Burgesses of the Borough by their Council, shall be repealed; and all Transfers of Powers, Authorities, Duties, Property, and Liabilities which have been or shall hereafter be made by any Local Board of Health to the Mayor, Aldermen, and Burgesses of any Corporate Borough by their Council, the District of such Board and such Corporate Borough being identical, shall be valid and effectual to all Intents and Purposes, though no Day for such Transfer shall have been named in the Charter incorporating such Borough.

Power to adjoining Districts to unite,

XXVII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local

with Sanction of Secretary of State.

Boards of such Districts may, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine.

Power to Local Board to execute Works in adjoining Places.

XXVIII. Every Local Board may, with the Consent of the Local Board of any adjoining District, or with the Consent of any adjoining Place maintaining its own Poor, do and execute in such adjoining District or Place all or any of such Works and Things as the Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and the Local Board of the adjoining District, or the Local Authority under the Nuisance Removal Act, 1855, in and for such adjoining Place; and any Sums agreed to be paid by the Local Board of the adjoining District, in pursuance of this Section, shall be payable out of the Rates leviable under the Public Health Act, 1848, and this Act; and any Sums agreed to be paid by such Local Authority shall be payable out of the same Rates as the Expenses of executing the said Nuisance Removal Act; and the Consent of any such Place to any Work or Thing proposed to be done under this Section shall be signified in the same Manner in which the Consent of a Place to the Adoption of this Act is herein-before required to be signified; and where the Expenses of any such Work or Thing would, if the same had been executed in a District under the Powers of this Act, have been recoverable from Owners or Occupiers, such Expenses shall be recoverable by the Local Board or Local Authority of the District or Place respectively from such Owners or Occupiers.

As to Powers of Local Boards.

Powers of Local Board as to Sewerage.

Power to make Deduction from Rate in respect of Premises sufficiently drained.

XXIX. If it appear to a Local Board that any Premises were sufficiently drained before the Construction of any new Sewer they may lay down, it shall be lawful to deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may under all the Circumstances of the Case deem to be just.

Powers for disposing of Sewage.

XXX. Local Boards may,

(1.) Exercise the Powers given by the Forty-sixth Section of the Public Health Act, 1848, also without their District, if necessary for the Purpose of Outfall and Distribution of Sewage, upon making due Compensation, to be settled in the Manner provided in the One hundred and forty-fourth Section of the Public Health Act, 1848;

(2.) Contract with any Company or Person for the Sale of Sewage, or for the Distribution of it over any Land;

(3.) Contract for, purchase, or take on Lease any Lands, Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing Sewage:

Provided always, that these Things shall be done so as not to create a Nuisance.

XXXI. In

XXXI. In case any Watercourse or open Ditch lying near to or forming the Boundary between the District of any Local Board and any adjoining Parish or Place shall be foul and offensive, so as injuriously to affect the District of such Local Board, any Justice of the Peace for the County, City, or Borough in which such adjoining Parish or Place may be situate may, on the Application of such Local Board, summon the Local Authority for the Purposes of the Nuisance Removal Act, 1855, of such adjoining Parish or Place, to appear before the Justices of the same County, City, or Borough, to show Cause why an Order should not be made by the said Justices for cleansing such Watercourse or open Ditch, and for executing such permanent or other structural Works as may appear to such Justices to be necessary; and such Justices, after hearing the Parties, or *ex parte* in case of the Default of any of them to appear, may make such Order with reference to the Execution of the Works, and the Persons by whom the same shall be executed, and by whom and in what Proportions the Costs of such Works shall be paid, and also as to the Amount thereof, and the Time and Mode of Payment, as to such Justices shall seem reasonable; and any Sums ordered to be paid by any Justices in pursuance of this Section shall be a Charge upon and be payable out of the Poor Rates of such adjoining Parish or Place, as if the same were legally incurred in the Relief of the Poor of such Parish or Place, and in default of Payment may be levied upon the Goods and Chattels of such Overseers by Distress and Sale thereof.

Provision for obtaining Order for cleansing foul and offensive Water-courses or open Ditches lying near to or forming the Boundaries of Districts.

Powers as to Scavenging and Cleansing.

XXXII. The Fifty-fifth and Fifty-sixth Sections of the Public Health Act, 1848, shall be repealed, excepting so much of the Fifty-sixth Section as relates to the providing Conveniences for the temporary Deposit of Dust, Ashes, and Rubbish, and also fit Buildings and Places for the Deposit of Sewerage and other Matters collected by the Local Board; and in lieu thereof be it enacted,

Power to Local Boards to cleanse or contract for cleansing.

(1.) That Local Boards may themselves undertake or contract with any Person for—

The proper cleansing and watering of Streets;
The Removal of House Refuse from Premises;
The cleansing of Privies, Ashpits, and Cesspools;

either for the whole or any Part of their District; and all Matters thus collected by the Local Board or Contractor may be sold or otherwise disposed of, and any Profits thus made by the Local Board shall be carried to the District Fund Account:

(2.) If any Person, not being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any Matters hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding Five Pounds; and if any Person,

being the Occupier of a House within the District, removes, or obstructs the Local Board or Contractor in removing, any such Matters (except in Cases where such Matters are produced on his own Premises, and are removed for Sale, or for his own Use for Manure, and are in the meantime kept so as not to be a Nuisance), he shall for each Offence incur a Penalty not exceeding Forty Shillings:

(3.) In Parts where the Local Board do not themselves undertake or contract with any Person for—

The cleansing of Footways and Pavements adjoining any Premises,—

The Removal of Refuse from any Premises,—

The cleansing of Privies, Ashpits, and Cesspools,—

They may make Byelaws imposing the Duty of such Cleansing or Removal on the Occupier of any such Premises:

Local Board may make Byelaws as to Nuisances.

(4.) The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or of the keeping of Animals so as to be injurious to the Public Health:

Provision for Recovery of Expenses of Removal of offensive Accumulations under 11 & 12 Vict. c. 63.

(5.) Whenever the Local Board have removed any noxious or offensive Accumulation under the Fifty-ninth Section of the Public Health Act, 1848, the Expenses of Removal, so far as the same are not covered by the Sale of the said Accumulation, shall be recoverable in a summary Manner from the Occupier, or, where there is no Occupier, from the Owner of the Premises on which such Accumulation existed, or from the Person causing such Accumulation, or may, by Order of the Board, be declared to be Private Improvement Expenses.

Amendment of Sect. 54. of 11 & 12 Vict. c. 63. for Purposes herein named.

XXXIII. Whenever the Surveyor, in the Course of any Examination made by him in pursuance of the Fifty-fourth Section of the Public Health Act, 1848, finds any such Drain, Watercloset, Privy, Cesspool, or Ashpit, as therein mentioned, to be in bad Order and Condition, or to require Alteration, it shall not be necessary for him to cause the Ground to be closed before the necessary Works are set about for amending such Drain, Watercloset, Privy, Cesspool, or Ashpit; provided that such necessary Works are undertaken forthwith.

Sects. 53. and 72. of 11 & 12 Vict. c. 63., as to new Streets and Houses, repealed, and the Provisions herein named to be instead.

XXXIV. The Fifty-third and Seventy-second Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted as follows:

Every Local Board may make Byelaws with respec to the following Matters; (that is to say,)

(1.) With respect to the Level, Width, and Construction of new Streets, and the Provisions for the Sewerage thereof;

(2.) With respect to the Structure of Walls of new Buildings for securing Stability and the Prevention of Fires;

(3.) With respect to the Sufficiency of the Space about Buildings to secure a free Circulation of Air, and with respect to the Ventilation of Buildings;

(4.) With

(4.) With respect to the Drainage of Buildings, to Water-closets, Privies, Ashpits, and Cesspools in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and to Prohibition of their Use for such Habitation:

And they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, and as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws: Provided always, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District:

But for the Purposes of this Act the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, or the Conversion into a Dwelling House of any Building not originally constructed for Human Habitations, or the Conversion into more than One Dwelling House of a Building originally constructed as One Dwelling House only, shall be considered the Erection of a new Building.

Powers for Regulation of Buildings.

When Houses taken down, Local Board may prescribe Line in which same shall be rebuilt.

XXXV. When any House or Building has been taken down, in order to be rebuilt or altered, the Local Board may prescribe the Line in which any House or Building to be hereafter built shall be erected, and the same shall be erected in accordance therewith; and the Local Board shall pay or tender Compensation to the Owner or other Person immediately interested in such House or Building for any Loss or Damage he may sustain in consequence of his House or Building being set back, the Amount of such Compensation, in case of Dispute, to be settled in the same Manner as Compensation for Land to be taken under the Provisions of "The Lands Clauses Consolidation Act, 1845," is directed to be settled; and all the Provisions of the said last-mentioned Act relating to the Purchase of Lands shall apply to the Payment made for such Loss or Damage as if it were a Purchase under such Act.

Local Board may purchase Premises for Purpose of making new Streets.

XXXVI. The Local Board may, with the Sanction of One of Her Majesty's Principal Secretaries of State, purchase any Premises for the Purpose of making new Streets, and shall have with regard to Premises so purchased all the Powers given by the Seventy-third Section of the Public Health Act, 1848.

Highway Repairs.

Cost of Highway Repair to be defrayed out of General District Rate

XXXVII. 'And whereas Doubts have arisen as to the 'Rate out of which the Repair of Highways is to be provided 'for in Districts under the Public Health Act, 1848:' Be it enacted, That in such Districts, or in Districts where this Act

in certain Cases.

is adopted, and where no other Mode of providing for the Repair of Highways is directed by any Local Act,

(1.) Where the whole of the District is rated to public Works of Paving, Water Supply, and Sewerage, or to Works for such of these Purposes as are provided for in the District, the Cost of Repair of Highways shall be defrayed out of the General District Rate:

Power to levy Highway Rates in certain Cases.

(2.) Where Parts of a District are not rated for Works of Paving, Water Supply, and Sewerage, or for such of these Purposes as have been provided for by Rate in the District, the Cost of the Repair of Highways in the same Parts shall be defrayed out of a Highway Rate to be separately assessed and levied in the same Parts by the Local Board as Surveyor of Highways, and the Cost of such Repair in the Residue of the District shall be defrayed out of the General District Rate:

(3.) Where no public Works of Paving, Water Supply, and Sewerage are established in the District, the Repair of Highways in the District shall be provided for by a Highway Rate, to be levied over the whole District by the Local Board as Surveyors of Highways:

(4.) Where Part of any Township or Place, at the Time of the Application of this Act to any District, shall be liable to contribute and pay to the Highway Rates leviable or assessable within such District, although it shall not be included in the Limits of such District, such Part of the said Township or Place shall, for all Purposes connected with the Repairs of Highways, and the Payment of Highway Rates, but for no other Purposes, be considered to be and be treated as if forming Part of such District and comprised within the Limits thereof: Provided always, that no such District Rate shall be leviable within such Part:

Certain Acts not required to be done in case of Highway Rate being made by Local Board.

(5.) Provided, that it shall not be necessary for any Local Board, in the Case of any Highway Rate made by them, to do the following Acts or any of them; that is to say,

To lay such Rate before any Justices, or obtain their Allowance;

To annex thereto the Signature of such Local Board;

To lay the same before the Parishioners assembled in Vestry;

To verify before any Justices any Accounts kept by them of such Highway Rates:

And all such Accounts shall be audited in all respects in the same Way as the other Accounts of Local Boards, and all ministerial Acts required by any Act of Parliament to be done by the Surveyor of Highways may be done by the Surveyor of the Local Board, or by such other Person as they may appoint:

Application of Surplus under Sect. 117. of 11 & 12 Vict. c. 63.

(6.) The Surplus of any Monies directed by the One hundred and seventeenth Section of the Public Health Act, 1848, to be paid by Surveyors of Highways to the Treasurer of the Local Board, and to be carried to the District Fund Account, shall, for every District or Part of a District where the Roads are repaired out of Highway Rate, be carried by the same Treasurer

surer to a separate Account to be kept by him, and called the Highway Rate Account. The Act of the Thirteenth *Victoria*, Chapter Thirty-five, "for requiring annual Returns of "the Expenditure on Highways in *England* and *Wales* to be "transmitted to the Secretary of State, and afterwards laid "before Parliament," shall apply to the Clerk to every such Local Board as aforesaid in like Manner as to the Clerk to any such Trustee or Commissioner as in such Act mentioned.

Powers as to Streets and Roads.

Power to Local Board to provide for sewering, &c. of Parts of Streets not being Highways.

XXXVIII. The Powers given to Local Boards of Health by the Sixty-ninth and Seventieth Sections of the Public Health Act, 1848, to compel the sewering, levelling, paving, flagging, and channelling of Streets that are not Highways repairable at the Public Expense, and after the Completion of such Works to declare such Streets Highways repairable at the Public Expense, shall extend to providing the Means of lighting, metalling, or making good such Streets, and may be exercised in respect of the Carriageway, Footway, or any Part of such Streets; and the said Powers shall also be deemed to have extended and shall extend and be exercised in respect of any Street or Road of which a Part was at the Time of the Application of the Public Health Act, 1848, or is or may be, a Public Footpath, or repairable at the Public Expense, as fully as if the whole of such Street or Road had been or was a Highway not repairable at the Public Expense.

No Incumbent or Minister of any Church, Chapel, &c. liable to Expenses under Sect. 69. of 11 & 12 Vict. c. 63. or this Section.

No Incumbent or Minister of any Church, Chapel, or Place appropriated to Public Religious Worship, which is now by Law exempt from Rates for the Relief of the Poor, shall be liable to any Expenses under the Sixty-ninth Section of the Public Health Act, 1848, or this Section, as the Owner or Occupier of such Church, Chapel, or Place, or of any Churchyard or Burial Ground attached thereto, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any such Incumbent or Minister is hereby exempted.

Power to Local Boards to agree as to making of new public Roads.

XXXIX. It shall be lawful for any Local Board to agree with any Persons for the making of Roads for the Public Use through the Lands and at the Expense of such Persons, and to agree that such Roads shall become and the same shall accordingly become, on Completion, public Highways maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree with such Persons to pay, and accordingly to pay, any Portion of the Expenses of making such Roads out of the Funds at the Disposal of such Board for Public Improvements.

Power to Local Boards, by Consent, to construct public Bridges, &c., or adopt as public, and improve, existing Bridges, &c. over or under Canals, Railways, or Tramroads.

XL. It shall be lawful for any Local Board to agree with the Proprietors of any Canals, Railways, or Tramroads, and with any Landowners or other Persons willing to bear the first Expense thereof, for the Construction or Alteration of, and accordingly to cause or permit to be constructed or altered, any Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, at the Expense of such Persons, and at the like Expense, by Agreement, to purchase so much of any Slopes, Embankments, or other Parts of such Canals, Railways, or Tramroads, or of any adjoining Lands, as may be required for the Foundation and Supports of such Bridges, Viaducts, or Arches, and the Approaches thereto, and to agree that such Bridges, Viaducts, and Arches respectively, with their Approaches and Accessories, shall become, and the same shall accordingly become, on Completion, Parts of public Streets or Roads maintainable and repairable at the Public Expense; and it shall be lawful for such Board, with the Consent of Two Thirds of their Number, to agree to pay, and accordingly to pay, any Portion of the Expenses of such Construction, Alteration, and Purchase out of the Funds at the Disposal of such Board for Public Improvements; and it shall be lawful for such Board, with the Consent of such Proprietors and other Persons interested, and on such Terms as may be mutually agreed upon, to adopt any existing Bridges, Viaducts, or Arches over or under any such Canals, Railways, or Tramroads, and the Approaches thereto, as public Bridges, Viaducts, or Arches, and Parts of public Streets or Roads maintainable and repairable at the Public Expense.

Powers to Local Boards to enter into Agreements with Turnpike Trustees as to Repair, &c. of Roads

XLI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road, or with any Corporation or Person liable to repair any Street or Road, or any Part thereof, or with Surveyors of any Bridge repaired by any County, Riding, or Division, to take upon themselves the Maintenance, Repair, Cleansing, or Watering of any such Street or Road or any Part thereof, or of any Road over any County Bridge, and the Approaches thereto, or of any Part of the said Roads within their District, and to remove any Turnpike Gates, Toll Gates, or Bars which may be situate within Two Miles from the Centre of any Town or Place within their District, and to erect other Turnpike Gates, Toll Gates, or Bars in lieu thereof, on such Terms as the Local Board and the Trustees or Corporation or Person or Surveyor aforesaid may agree upon between themselves; provided that in case any Mortgage Debt is charged upon the Tolls of any such Turnpike Road, no Agreement shall be made for the Removal of any of the Toll Gates or Bars thereon, unless with the previous Consent in Writing of a Majority of at least Two Thirds in Value of the Mortgagees; and that when the Terms arranged shall include any annual or other Payments from the Local Board to the Trustees, then such Payments may be secured on the local Rates in the same Manner as other Charges on the Rates are authorized

authorized by this Act; provided also, that all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such are for the Time being entitled to any Money charged or secured on the Tolls of any such Turnpike Road, may consent to any such Agreement as aforesaid, as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof, and all Executors, Administrators, Guardians, Trustees, and Committees so consenting are hereby severally indemnified for so doing.

Objections under Sect. 70. of 11 & 12 Vict. c. 63. to be made by the sole Proprietor, or, if more than One, by a Majority.

XLII. 'And whereas by the Seventieth Section of the Public Health Act, 1848, it is provided that no Street shall become a Highway, under the Provisions of such Section, if within One Month after Notice in Writing shall have been first put up as therein mentioned the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, shall, by Notice in Writing to the Local Board, object thereto; and Doubts have arisen as to the Effect of such Provision:' Be it enacted, That no such Objection shall be of Force unless made either by the sole Proprietor, or (if more than One) by the Majority in Number of such Proprietors, and in ascertaining such Majority joint Proprietors shall be reckoned and considered One Proprietor.

Certain Roads herein named not to be interfered with, except upon Conditions, &c. herein named.

XLIII. Notwithstanding anything contained in the Public Health Act, 1848, or this Act, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, or of the *New Cross* Turnpike Roads, or of the Trustees acting in execution of the *Surrey* and *Sussex* Roads Act, 1850, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Commissioners or Trustees of such Road Seven Days previous Notice, containing full Particulars of any Works intended to be executed by them, and affecting any of such Roads:

(2.) If the General Surveyor of the said Commissioners or Trustees directs the Works to be on any particular Part of such Roads the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the said Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall be made in the Inclination of any of the said Roads of more than One Foot in Sixty Feet;

(4.) All

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Works shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the Expenses consequent upon the Subsidence of Materials newly filled in, shall repay to the said Commissioners or Trustees, on Demand, such Sum as they have expended in Restoration of the Road, not exceeding One Shilling for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, Paving of Water Channels, Curbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads; and on default the said Surveyor may cause to be done in that Behalf what he may think fit; and the said Surveyor may recover the Expense so incurred by him in a summary Manner.

Incorporated Powers.

Certain Provisions of 10 & 11 Vict. c. 89. incorporated with this Act.

XLIV. The Provisions of "The Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,

(2.) With respect to Fires,

(3.) With respect to Places of Public Resort,

(4.) With respect to Hackney Carriages,

(5.) With respect to Bathing,

Shall be incorporated with this Act.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated with this Act.

XLV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses,

(2.) With respect to improving the Line of the Streets and removing Obstructions,

(3.) With respect to ruinous or dangerous Buildings,

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses,

(5.) With respect to the Supply of Water, except the Proviso thereto,

(6.) With

(6.) With respect to the Prevention of Smoke,
(7.) With respect to Slaughter-houses,
(8.) With respect to Clocks,

Shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to compel the Consumption of all Smoke in the Case of all or any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings, or to the Manufacture of Glass, in any District where the Provisions of the said Act for the Prevention of Smoke are not now in force, in which the Local Board shall resolve that any One or more of such Processes should be exempted from Penalties for not consuming all Smoke for any Time specified in such Resolution, not exceeding Ten Years, which may be annually renewed for a similar or any shorter Period, if the Board shall think fit; and any Justice or Justices before whom any Person shall be summoned may remit the Penalty in any Case within such District in which he or they shall be of opinion that such Person has adopted the best known Means for preventing any Nuisance from Smoke, and has carefully attended to the same, so as to consume as far as possible the Smoke arising from any Process so exempted during such Time as any such Resolution shall extend to, unless an Order shall be issued by One of Her Majesty's Principal Secretaries of State directing that such Exemption shall no longer be continued in such District to such Processes or any of them, after a Time specified in such Order.

Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

XLVI. In any District where the Public Health Act, 1848, is in force, or where this Act is adopted, and in which the Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King* George *the Fourth, for the lighting and watching of Parishes in* England *and* Wales, *and to make other Provisions in lieu thereof*, has been adopted, the said last-mentioned Act shall be superseded by this Act, and all Lamps, Lamp Posts, Gas Pipes, Fire Engines, Hose, and other Property vested in the Inspectors for the Time being under the said Act, shall, in all existing Districts under the Public Health Act, 1848, and elsewhere upon the Adoption of this Act, vest in the Local Board.

Where Vestries adopt Provisions of 10 & 11 Vict. c. 74., Local Board to be the Commissioners under that Act.

XLVII. In any District where a Vestry adopts the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled *An Act to encourage the Establishment of Public Baths and Wash-houses*, the Local Board may, at the Option of the said Vestry, be the Commissioners for the Execution of the said Act, and shall thereupon have all the Powers, Duties, Rights, and Obligations of Commissioners under

under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be carried to the District Fund Account.

11 & 12 Vict c. 63. as to Slaughter-houses repealed.

XLVIII. The Sixty-first and so much of the Sixty-second Sections of the Public Health Act, 1848, as empowers the Local Board to make Byelaws with respect to all Slaughter-houses, shall be repealed.

Local Board to be Burial Board of District, though the Burial Ground be provided for Parts of the District only.

XLIX. In any District where a Vestry of any One or more Parish or Place comprised therein having a known or defined Boundary adopts the Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, Chapter Eighty-one, and intituled *An Act to amend the Burial Acts*, the Local Board may, at the Option of such Vestry, be the Burial Board for the Execution of the said Act within such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, and shall thereupon have all the Powers, Duties, Rights, and Obligations of a Burial Board under the said Act; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by the said Act shall be defrayed out of Rates to be levied on such Parish or Parishes, Place or Places, so adopting the Act as aforesaid, in the same Manner as General District Rates are to be levied under the Provisions of this Act; and all Receipts by them, by reason of the Exercise of such Powers, shall be carried to the Credit of such Parish or Parishes, Place or Places so adopting the Act as aforesaid: Provided nevertheless, that in case the Parish or Parishes, Place or Places comprised in such District so adopting the Act as aforesaid shall have been declared a Ward or Wards for the Election of Members of the Local Board, and Members shall have been elected by and for such Ward or Wards, the last-mentioned Members shall form the Burial Board for such Parish or Parishes, Place or Places so formed into a Ward or Wards as aforesaid, instead of the Members of the said Local Board, and shall have all the like Powers, Duties, Rights, and Obligations of the Burial Board under said Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Eighty-one.

Power of Local Board to establish Markets, with Consent of Owners and Ratepayers.

L. The Local Board shall in Non-Corporate Districts, with the Consent of the Owners and Ratepayers of the District, to be expressed by Resolution in the Manner herein provided with respect to Resolutions for the Adoption of this Act, and in Corporate Districts shall, with the Consent of Two Thirds of the Local Board, have the Power to do the following Things or any of them within their District:

(1.) To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market:

To

To provide all such Matters and Things as may be necessary for the convenient Use of such Market:

To purchase or take on Lease Land, and public or private Rights in Markets, and Tolls, for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Slaughter-house shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent:

(2.) For the Purpose of enabling any Local Board to establish Markets in manner aforesaid, or to regulate Markets already established in any Coporate Borough before the Constitution of a Local Board therein, there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," in so far as the same relate to Markets:

Provisions of 10 & 11 Vict. c. 14. as to Markets, &c. incorporated.

With respect to the Holding of the Market or Fair, and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws;

Subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Water Supply.

LI. The Powers given to Local Boards by the Seventy-sixth Section of the Public Health Act, 1848, shall extend to any House within their District to which a Supply of Water can be provided at an Expense not exceeding the Water Rate authorized by the said Act or any Local Act in force in the District, and Notices under that Section shall be served on Owners of Houses so supplied instead of Occupiers, and Expenses incurred under that Section shall be recoverable from such Owners.

Powers of Sect. 76. of 11 & 12 Vict. c. 63 as to Water Supply extended to this Act.

LII. Where the Local Board supply Water to their District they shall have the same Power for carrying Water Mains within the District as they have for carrying Sewers by the Law in force for the Time being.

Power of carrying Water Mains.

LIII. It shall be lawful for any Local Board of Health absolutely to purchase, and for the Directors for the Time being of any Waterworks Company or Market Company, by and with the Authority of Three Fifths of the Shareholders for the Time being in such Company who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to sell, convey, and transfer unto

Power to Directors of Waterworks or Market Company to sell Works, &c. to Local Boards.

unto any Local Board of Health, upon such Terms as shall be mutually agreed upon between the Company and the Local Board, all the Rights, Powers, and Privileges, and all or any of the Lands and Premises, Works, Matters, and Things, which at the Time of such Purchase shall be the Property of the Company, but subject to all Mortgages, Contracts, or Liabilities to which the same shall be then subject.

Expenses and Rates.

Sect. 86. of 11 & 12 Vict. c. 63. as to the Power of levying Special District Rate, repealed.

Debts incurred and Contracts entered into before passing of this Act enforced.

LIV. (1.) The Eighty-sixth Section of the Public Health Act, 1848, shall be repealed; and whenever Special District Rate is mentioned in the Public Health Act, 1848, that Act shall be read as if no such Rate were mentioned therein: Provided always, that all Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the passing of this Act shall be enforced, and all Powers vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, shall be exercised, in the same Manner as if this Act had not been passed:

(2.) No Publication shall be required of any Private Improvement Rate:

(3.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy:

(4.) When any Rate is appealed against, or the Validity of any Rate is disputed, the Time during which the Appeal remains undecided, or any legal Proceedings concerning or relating to such Rate shall be pending, shall be excluded in calculating the Period of Six Months within which the Rate may be made retrospectively:

(5.) Notice of Demand of Rates may be served in the same Way as Notice is herein-after directed to be served by a Local Board before putting in force the Powers of Local Boards for the taking of Land otherwise than by Agreement.

Mode of Assessment of General District Rate, and Provision for compounding for Rates in the Case of small Tenements.

LV. The Eighty-eighth and Ninety-fifth Sections of "The Public Health Act, 1848," shall be repealed, and in lieu thereof be it enacted, That the General District Rates shall be made and levied upon the Occupier of all such Kinds of Property as by the Laws in force for the Time being are or may be assessable to any Rate for the Relief of the Poor, and shall be assessed upon the full net annual Value of such Property, ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the Assessments under this Act, subject, however, to the following Exceptions, Regulations, and Conditions; namely,

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act does not exceed the Sum of Ten Pounds; or,

Where

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or,

Where any Premises so liable as aforesaid are let in separate Apartments, or where the Rents become payable or are collected at any shorter Period than quarterly; subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than Two Thirds nor more than Four Fifths of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on One Half of the Amount at which such Tenements would be liable to be rated if the same were occupied and the Rate were levied on the Occupiers:

Certain Kinds of Property assessable on One Fourth of their net annual Value.

The Owner of any Tithes, or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed in respect of the same in the Proportion of One Fourth Part only of such net annual Value thereof:

Provision as to Exemptions from rating under Local Acts.

Provided nevertheless, that if within any District or Part of a District any Kind of Property be exempted from rating by any Local Act in respect of all or any of the Purposes for which General District Rates may be made under this Act, the same Kind of Property shall, in respect of the same Purposes, and to the same Extent within the Parts to which the Exemption applies, but not further or otherwise, be exempt from Assessment to any General District Rates under this Act, unless a Provisional Order obtained and confirmed by Parliament in manner herein-after provided shall otherwise direct.

Poor Rate Books to be accessible for rating under Public Health Acts.

LVI. For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection, or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding Five Pounds: If there is no such Assessment as aforesaid for the Relief of the Poor by reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfit Criterion for making a General District Rate, a Valuation shall be made by a Person

Power of Valuation as prescribed by 6 & 7 W. 4. c. 96. in case there should be no Assessment.

Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by reference to the said Valuation and Assessment.

Sections 107. 113. and 119. of 11 & 12 Vict. c. 63. repealed, and Power given for raising Money on Credit of Rates.

LVII. The One hundred and seventh, the One hundred and thirteenth, and the One hundred and nineteenth Sections of the Public Health Act, 1848, shall be repealed; and in lieu thereof be it enacted, That the Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, or of any Act incorporating the Powers of the Public Health Act, 1848, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under the said Acts respectively, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) Such Money shall not be borrowed except for permanent Works, nor without the Sanction of One of Her Majesty's Principal Secretaries of State:

(2.) The Money so borrowed shall not, except as hereinafter provided, at any Time exceed in the whole the assessable Value for One Year of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) The Money may be borrowed for such Time, not exceeding Thirty Years, as the Local Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, determine in each Case; and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect

respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of Private Improvement Rates, or out of a Rate levied in such Part of the District as aforesaid.

Rentcharge may be granted for Advances made to meet First Cost of Private Improvements.

LVIII. Where any Person shall advance Money for any Expenses which by the said Public Health Act, 1848, are, or by the said Local Board shall be, declared to be Private Improvement Expenses, the said Local Board, on being satisfied by the Report of their Surveyor or otherwise that the Money advanced by such Person has been duly expended, may issue a Grant in the Form B. in the Schedule hereunto annexed to such Person of a yearly Rentcharge to be issuable out of the Premises in respect whereof such Advance shall have been made, or out of such Part thereof, to be specified in such Grant, as the said Local Board shall think proper and sufficient, such Rentcharge to be Personal Estate, and to begin to accrue from the Day of Completion of the Works on which such Money shall have been expended as aforesaid, and to be payable by equal half-yearly Payments for and during a Term not exceeding Thirty Years, in such Manner that the whole of the said Sum so to be advanced as aforesaid, with the Costs of preparing the said Grant so to be issued as aforesaid, together with Interest thereon respectively, at a Rate not exceeding Six Pounds *per Centum per Annum* upon the Sum from Time to Time remaining unpaid, shall be repaid at the End of the said Term: Provided always, that the Grantee of such Rentcharge shall for the Recovery of the same have all the Powers, Authorities, Rights, and Remedies of the said Local Board with respect to Private Improvement Rates, and the Provisions of the Ninety-first and Ninety-second Sections of the Public Health Act, 1848, shall also be applicable to such Rentcharge.

Rentcharges to be registered.

LIX. All Rentcharges made in pursuance of this Act, and Transfers thereof, shall be registered in the same Manner respectively as Mortgages and Transfers are required to be registered under the One hundred and eleventh and One hundred and twelfth Sections of the Public Health Act, 1848.

Audit of Accounts.

Provisions as to Audit of Accounts.

LX. The One hundred and twenty-second Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Where the Mayor, Aldermen, and Burgesses of a Borough are the Local Board, the Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined by the Auditors of the Borough, and shall be published in like Manner and at the same Time as the Municipal Accounts, and the Auditors shall proceed in the Audit after like Notice and in like Manner, shall have like Powers and Authorities, and perform like Duties, as in the Case of auditing the Municipal Accounts; and each of such

Auditors shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which they are employed in such Audit, as the Local Board from Time to Time appoints; and any Order of the Local Board for the Payment of any Money may be removed by Certiorari, and like Proceedings may be had thereon as under Section Forty-four of the Act of the First Year of Her Majesty, Chapter Seventy-eight, with respect to Orders of the Council of a Borough for Payments out of the Borough Fund:

With respect to Districts not Boroughs, as follows:

(1.) The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the Twenty-fifth Day of *March*, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which the District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

Power of Allowance, Disallowance, and Surcharge.

And any Auditor acting in pursuance of this Section shall disallow every Item of Account contrary to Law, and surcharge the same upon the Person making or authorizing the making of the illegal Payment, and shall certify the same to be due from such Person, and upon Application by any Party aggrieved shall state in Writing the Reasons for his Decision in respect of such Disallowance or Surcharge, and also of any Allowance which he may have made; and any Person aggrieved by Disallowance made may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Allowances, Disallowances, and Surcharges under this Act as it has with respect to Disallowances or Allowances by the said Auditors; or in lieu of such Application any Person so aggrieved may appeal to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Allowances, Disallowances, and Surcharges by the said Poor Law Auditors:

Disallowances may be removed by Certiorari into Court of Queen's Bench.

Appeal against Disallowances.

As to Recovery of Disallowances.

(2.) Every Sum certified to be due from any Person by the Auditor under this Act shall be paid by such Person to the Treasurer of the Local Board within Fourteen Days

Days after the same shall have been so certified unless there be an Appeal against the Decision; and if such Sum shall not be so paid, and there be no such Appeal, the Auditor shall recover the same from the Person against whom the same shall have been certified to be due by the like Process and with the like Powers as in the Case of Sums certified upon the Audit of the Poor Rate Accounts, and shall be paid by the Local Board all such Costs and Expenses, including a reasonable Compensation for his Loss of Time incurred by him in such Proceedings, as shall not be recovered by him from such Person:

Power to Auditor to require Production of Books.

(3.) For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding Forty Shillings; and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than Two Guineas for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints, together with his Expenses of travelling to and from the Place of Audit:

Notice of Audit.

(4.) Before each Audit of Accounts under this Act, the Local Board shall, after receiving from the Auditor the requisite Appointment, give Twenty Days Notice of the Time and Place at which the same will be made by Advertisement in some One or more of the public Newspapers circulated in the District; and a Copy of the Accounts to be audited, together with all Rate Books, Account Books, Deeds, Contracts, Accounts, Bills, Vouchers, and Receipts mentioned or referred to in such Accounts, shall be deposited in the Office of the Local Board, and be open during Office Hours thereat, to the Inspection of all Persons interested,

for Seven Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward; and the Production of the Newspaper containing such Notice shall be deemed to be sufficient Proof of the Notice of Audit on any Proceeding whatsoever:

Report of Auditor.

(5.) Within Fourteen Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers circulated in the District.

Legal Proceedings.

Notices by Local Boards to be signed by Clerk.

LXI. Any Summons, Demand, or Notice, or other such Document under the Public Health Act, 1848, or any supplemental Act or this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Local Board, the Signature thereof by the Clerk to the Local Board shall be sufficient Authentication.

Expenses due from Owners to be a Charge on Premises.

LXII. Where the Local Board have incurred Expenses, for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable, either by Application of or Agreement with the Owner, or by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, the same may be recovered from the Person who is Owner of such Premises when the Works are completed for which such Expenses have been incurred, in the Manner provided by the Public Health Act, 1848, and such Expenses shall be a Charge on the Premises in respect of which they were incurred, and shall bear Interest at the Rate of Five Pounds *per Centum per Annum* till Payment thereof. In all summary Proceedings by a Local Board for the Recovery of Expenses incurred by them in Works of Private Improvement, the Time within which such Proceedings may be taken shall be reckoned from the Date of the Service of Notice of Demand.

Apportionment of Expenses payable by Owners to be conclusive after Three Months from Notice given to them of the Amount.

LXIII. Notwithstanding anything in the Public Health Act contained, in all Cases where by such Act the Local Board shall have incurred Expenses, for the Repayment whereof the Owners of the Premises for or in respect of which the same are incurred is made liable by the Public Health Act, 1848, or any Act incorporated therewith, or by this Act, and such Expenses have been settled and apportioned by the Surveyors as payable by such Owner, such Apportionment shall be binding and conclusive upon such Owner, unless within the Expiration of Three Months from the Time of Notice being given by the Local Board or their Surveyor of the Amount of the Proportion so settled by the said Surveyor to be due from such Owner he shall by written Notice dispute the same.

LXIV. All

LXIV. All Questions referable to Arbitration under the Public Health Act, 1848, or this Act, or any Act incorporated therewith, may, when the Amount in dispute is less than Twenty Pounds, be determined before Two Justices in a summary Manner, but the Justices may, if they think fit, require that the Work in respect of which the Claim of the Local Board is made, and the Particulars of the Claim, be reported on to them by any competent Surveyor, not being the Surveyor of the Local Board; and the Justices may determine the Amount of Costs incurred on that Behalf, and by whom such Costs or any Part of them shall be paid.

Arbitration to be confined to Cases involving more than 20*l.*

LXV. Memorials under the One hundred and twentieth Section of the Public Health Act, 1848, from and after the First Day of *September* One thousand eight hundred and fifty-eight, shall be addressed to One of Her Majesty's Principal Secretaries of State, who shall have the same Powers in respect thereof as are vested in the General Board of Health by the said Section.

Memorials in respect of Private Improvement Charges.

LXVI. If any Person wilfully injures any Works or Materials belonging to any Local Board, he shall in Cases where no other Penalty is provided by the Public Health Act, 1848, or any Act incorporated therewith, incur for every such Offence a Penalty not exceeding Five Pounds, to be recovered in a summary Manner.

Penalty on Injury to Works, &c. of Local Board.

LXVII. All Penalties incurred in any Corporate Borough, and made payable to the Local Board of Health by the Public Health Act, 1848, or any Act incorporated therewith, or this Act, or any Act of which the Powers are to be executed by a Local Board, shall be payable to the District Fund Account, any Act to the contrary notwithstanding.

Penalties to be payable to District Fund Account.

Saving Clauses.

LXVIII. The One hundred and forty-fifth Section of the Public Health Act shall be repealed, and in lieu thereof be it enacted, That nothing in this Act shall be construed to authorize any Local Board of Health,

Section 145. of 11 & 12 Vict. c. 63. repealed, and Provisions herein-named in lieu thereof

(1.) To use, injure, or interfere with any Sluices, Floodgates, Sewers, Groynes, or Sea Defences, or other Works, already or hereafter made under the Authority of any Commissioners of Sewers appointed by the Crown, or any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament, or for the Purpose of irrigating Land, or in any Manner to disturb or interfere with any Lands, Hereditaments, Estates, or Property vested in Her Majesty's Principal Secretary of State for the War Department for the Time being, without Consent in Writing first obtained from such Commissioners or Secretary of State or Persons acquiring Rights under such Local or Private Acts respectively;

respectively; and nothing herein contained shall prejudice or affect the Rights, Privileges, Powers, or Authorities given or reserved to any Person under such Local or Private Acts;

Saving Clause for Proprietors of Canals, &c.

(2.) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(3.) To interfere with any Watercourses in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference;

(4.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin;

(5.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues,

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or

or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent: Provided always, that nothing in this Act contained shall be construed to alter or affect the Maintenance of any Rights of Local Boards existing at the Time of the passing of this Act.

Works not within preceding Section, and which interfere with Improvement of Rivers, Canals, &c., to be referred to Arbitration.

LXIX. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration; and the following Questions shall be decided by such Arbitration; (that is to say,)

Effect of Arbitration.

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

LXX. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully

compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Provision as to Transfer of Powers, &c.

LXXI. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

LXXII. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor to the Local Board, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking-up, Diversion, or Alteration.

Preserving Water Rights of Companies or Individuals.

LXXIII. Nothing in this Act or any Act incorporated therewith shall be construed to authorize any Local Board to injuriously affect any Reservoir, River, or Stream, or the Feeders of any Reservoir, River, or Stream, or the Supply, Quality, or Fall of Water contained in any Reservoir, River, Stream, or Feeders of any Reservoir, River, or Stream, in Cases where any Company or Individuals would, if this Act had not passed, have been entitled by Law to prevent or be relieved against the injuriously affecting such Reservoir, River, Stream, Feeders, Supply, Quality, or Fall of Water, unless such Board shall have first obtained the Consent in Writing of such Company or Individuals so entitled as aforesaid.

Arbitration Questions under preceding Sections.

LXXIV. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, may, at the Option of the Party complaining, be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury;

Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Purchase of Land.

Regulation as to the Purchase of Land.

LXXV. So much of the Eighty-fourth Section of the Public Health Act, 1848, as relates to the Incorporation of the Lands Clauses Consolidation Act, 1845, shall be repealed, and the following Regulations shall be observed with respect to the Purchase of Land by Local Boards for the Purposes of this Act; (that is to say,)

(1.) The Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, except the Provisions relating to Access to the Special Act:

(2.) The Local Board, before putting in force any of the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, shall

Publication of Notices.

Publish once at the least in each of Three consecutive Weeks in the Month of *November* in some Newspaper circulated in the District or some Part of the District within which such Local Board has Jurisdiction is situate, an Advertisement describing shortly the Nature of the Undertaking in respect of which the Land is proposed to be taken, naming a Place where a Plan of the proposed Undertaking may be seen at all reasonable Hours, and stating the Quantity of Land that they require; and shall further in the Month of *December*

Service of Notices.

Serve a Notice in manner herein-after mentioned on every Owner or reputed Owner, Lessee or reputed Lessee and Occupier of such Land, defining in each Case the particular Land intended to be taken, and requiring an Answer, stating whether the Person so served assents, dissents, or is neuter in respect of taking such Land; such Notice to be served

By Delivery of the same personally on the Party required to be served, or, if such Party is absent abroad, to his Agent; or

By leaving the same at the usual or last known Place of Abode of such Party as aforesaid; or

By forwarding the same by Post in a registered Letter addressed to the usual or last known Place of Abode of such Party:

Power to Local Board to petition Secretary of State upon Matters herein stated.

(3.) Upon Compliance with the Provisions herein-before contained with respect to Advertisements and Notices, the Local Board may, if they shall think fit, present a Petition under their Seal to One of Her Majesty's Principal

Principal Secretaries of State: The Petition shall state the Land intended to be taken, and the Purposes for which it is required, and the Names of the Owners, Lessees, and Occupiers of Land who have assented, dissented, or are neuter in respect of the taking such Land, or who have returned no Answer to the Notice: It shall pray that the Local Board may, with reference to such Land, be allowed to put in force the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, and such Prayer shall be supported by such Evidence as the Secretary of State requires:

Secretary of State may direct Inquiry;

(4.) Upon the Receipt of such Petition, and upon due Proof of the proper Advertisements having been published and Notices served, the Secretary of State shall take such Petition into consideration, and may either dismiss the same, or direct an Inquiry in the District in which the Land is situate, or otherwise inquire as to the Propriety of assenting to the Prayer of such Petition; but until such Inquiry has been made in the District, after such Notice as may be directed by the Secretary of State, no Provisional Order shall be made affecting any Land, without the Consent of the Owners, Lessees, and Occupiers thereof:

and may make Provisional Order:

(5.) After the Completion of the Inquiry as last aforesaid the Secretary of State may, by Provisional Order, empower the Local Board to put in force with reference to the Land referred to in such Order the Powers of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Land otherwise than by Agreement, or any of them, and either absolutely or with such Conditions and Modifications as he may think fit, and it shall be the Duty of the Local Board to serve a Copy of any Order so made in the Manner and upon the Person in which and upon whom Notices in respect of such Land are herein-before required to be served:

No Provisional Order valid until confirmed by Parliament.

(6.) No Provisional Order so made shall be of any Validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the Secretary of State as soon as conveniently may be to obtain such Confirmation, and the Act confirming such Order shall be deemed to be a Public General Act of Parliament:

Costs how to be defrayed.

(7.) All Costs, Charges, and Expenses incurred by the said Secretary of State in relation to any such Provisional Order as last aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a Charge upon the General District

District Rates levied in the District to which such Order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual Instalments not exceeding Five, together with Interest after the yearly Rate of Five Pounds in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Local Board to report.

Local Board to report.

LXXVI. Every Local Board shall make an annual Report, in such Form and at such Time as the Secretary of State may from Time to Time direct, of all Works executed by them during the preceding Year, and of all Sums received and Disbursements made, under and for the Purposes of this Act, and publish the same in some Newspaper circulating in the District, and shall send a Copy to the Secretary of State.

Provisional Orders and Powers of Secretary of State.

Petition for Incorporation with or Separation from District, or for Repeal, &c. of Local Acts.

LXXVII. The One hundred and forty-first Section of the Public Health Act, 1848, shall be repealed, and in lieu thereof be it enacted as follows: Whenever it appears desirable to the Local Board of any District, or to the Majority of the Owners and Ratepayers in any Parish, Township, Hamlet, or Place maintaining its own Roads or its own Poor, adjoining any District, or to the Majority of Owners and Ratepayers in any Part of a District, such Majorities to be ascertained in the Way herein provided for voting with respect to the Adoption of this Act,

That any Portion of such Parish, Township, Hamlet, or Place should be incorporated with the District, or that such Part of the District should be separated therefrom,

Or whenever it appears to the Local Board of any District desirable,

That Provision should be made for the future Execution of any Local Acts in force within such District, having relation to the Purposes of this Act, and not conferring Powers or Privileges upon Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit; or that any such Acts, or any Exemptions from rating derived therefrom, or any Provisional Order or Order in Council applying the Public Health Act, 1848, or Act confirming such Provisional Orders, should be wholly or partially repealed or altered,

(1.) They may present a Petition to One of Her Majesty's Principal Secretaries of State, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the said Secretary requires:

Power of Secretary of State

(2.) Upon the Receipt of any such Petition Inquiry may be directed in the District in respect of the several Matters mentioned

on Receipt of Petition;

tioned in such Petition, after giving Fourteen Days Notice of the Time, Place, and Subject of the Inquiry:

to issue Order, and obtain Consent of District.

(3.) It shall be lawful for any of Her Majesty's Principal Secretaries of State to issue a Provisional Order in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of a Portion of any such Parish, Township, Hamlet, or Place with the District, or the Separation of any Part from the District, an Inspector shall proceed to the District for the Purpose of obtaining the Consent to such Order of the Place of which it is proposed that a Portion should be incorporated, or of the Part to be separated, and also, if such Order provide for any such Incorporation, the Consent of the petitioning District:

Consents how testified.

(4.) The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Place or Part by a Resolution passed by a Majority of the Ratepayers resident in any such Place or Part assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Place or Part, with Fourteen Days Notice of the Time, Place, and Subject of such Meetings, and to do all such Matters and Things as may be expedient for that Purpose:

Provision as to Meetings of Part or Place.

(5.) In the Case of a Meeting of the Ratepayers of any Place or Part, the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed: The Inspector shall have Power to attend any such Meeting:

Secretary of State to obtain Confirmation of Order.

(6.) Whenever such Consents as aforesaid have been given in the Cases in which they are herein-before required, the said Secretary of State shall, as soon as conveniently may be, take all necessary Steps for the Confirmation of such Order by Act of Parliament; but previously to such Confirmation it shall not be of any Validity whatever, and every Act of Parliament confirming such Order shall be deemed a Public General Act. In case any Petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act, in the Progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in the Case of Private Bills.

Extension of borrowing Powers in certain Cases.

LXXVIII. Where a Local Board, or any Board of Improvement Commissioners exercising the borrowing Powers of the Public Health Act, 1848, or this Act, or of any Local Act, has contributed to, purchased, or executed Works of Sewerage and Water Supply, or proposes to contribute to, purchase, or execute

execute such Works, and where the Cost of such Works exceeds or is estimated to exceed One Year's assessable Value of the Premises assessable within the District in respect of which such Money may be borrowed, it shall be lawful for such Board to present a Petition to One of Her Majesty's Principal Secretaries of State praying for Powers to borrow or reborrow for such Works, on Mortgage of the Rates leviable by them under the Public Health Act, 1848, and this Act, and any Local Act, an Amount not exceeding Two Years assessable Value, of the Premises assessable within the District in respect of which such Money may be borrowed or reborrowed, such Amount to be repaid within such Period not exceeding Fifty Years as such Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, shall in each Case determine; and it shall be lawful for any of Her Majesty's Principal Secretaries of State to direct Inquiry on such Petition, and to issue a Provisional Order thereupon, and to take Steps for the Confirmation of any such Provisional Order by Act of Parliament in the Manner sanctioned in the preceding Section.

Secretary of State to provide for Execution of Act.

LXXIX. It shall be lawful for the Secretary of State to report annually to Parliament on the Execution of this Act, to make or direct such Inquiries as are directed by this Act, and to appoint from Time to Time such Officers, Clerks, and Servants as he may require for the Purposes of this Act, and at his Pleasure to remove any such Officers, Clerks, or Servants; and the Commissioners of Her Majesty's Treasury shall fix the Salaries and Allowances of such Officers, Clerks, and Servants.

Powers for Inquiry directed by Secretary of State.

LXXX. Any Officer directed by One of Her Majesty's Principal Secretaries of State to inquire into any Matter into which such Secretary is empowered to direct Inquiry under this Act shall, for the Purposes of such Inquiry, have all the Powers vested in superintending Inspectors by the One hundred and twenty-first Section of the Public Health Act, 1848.

Orders of Secretary of State to be binding.

LXXXI. All Orders made by One of Her Majesty's Principal Secretaries of State in pursuance of this Act shall be binding and conclusive in respect of the Matters to which they refer; and any such Secretary may make Orders as to the Costs of any Appeal to him under this Act, and the Parties by whom such Costs are to be borne; and every such Order may be made a Rule of One of the Superior Courts of Law, on the Application of any Party named therein.

Oxford and Cambridge.

Exception of Oxford and Cambridge.

LXXXII. Notwithstanding anything contained in this Act, the *Oxford* and *Cambridge* Commissioners, described in the Thirty-first Section of the Public Health Act, 1848, shall be the Bodies authorized to adopt this Act for the Districts respectively within their Jurisdiction; and in the event of the Adoption of this Act by the said *Cambridge* Commissioners, the said Commissioners shall be the Local Board for the District of *Cambridge;* and in the event of such Adoption by the said *Oxford* Commissioners, the Local Board of the *Oxford* District shall

shall consist of the Vice-Chancellor of the University of *Oxford* and the Mayor of *Oxford* for the Time being, and of Forty-five other Commissioners, Fifteen to be elected by the University of *Oxford*, Sixteen by the Town Council of *Oxford*, and Fourteen by the Ratepayers of the Parishes situate within the Jurisdiction of the *Oxford* Commissioners; and the Election of such Commissioners by the Town Council and by the Ratepayers of the Parishes respectively shall be conducted at the same Time, in the same Way, and subject to the same Regulations in and subject to which Members constituting the Body of *Oxford* Commissioners are now respectively chosen by such Town Council and Parishes; and the Fifteen Commissioners to be elected by the University shall be elected as follows; namely, Four Commissioners shall be elected by the University in Convocation, and Eleven Commissioners shall be elected by the Heads and Senior Bursars of the several Colleges, and by the Heads of the several Halls; and the Elections shall be conducted by the said University, and by the Colleges and Halls respectively, at the same Time and in the same Way, and subject to the same Regulations, in and subject to which Guardians of the Poor for the University and for the Colleges and Halls are now chosen by them respectively, save that in the Election of Commissioners the Heads and Bursars of all the Colleges and the Heads of all the Halls shall be summoned by the Vice-Chancellor for that Purpose, and shall be entitled to vote; and Differences between either of the Universities of *Oxford* and *Cambridge* and the Local Boards of *Oxford* and *Cambridge* respectively within the Meaning of the One hundred and fifth Section of the Public Health Act, 1848, shall be settled by Arbitration in the Manner provided by that Act.

SCHEDULE.

FORM A.

Voting Paper.

AT a Meeting held on the Day of at the of , in the County of , it was agreed that the following Resolution should be proposed to the Owners and Ratepayers:—

"That the Local Government Act, 1858, be adopted in the of ."

	In favour of.	Against.	Number of Votes	
			As Owner.	As Ratepayers.
Do you vote in favour of or against the Adoption of this Resolution?	*J.S.*			

John Smith, of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the

the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words "as Proxy for," with the Name of Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1848, or this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour." (*Local Government Act*, 1858.)

(Signed by the Summoning Officer.)

FORM B.

BY virtue of the Public Health Act, 1848, the Local Board of Health for the District of do hereby declare and absolutely order that the Inheritance of the [Dwelling House, Shop, Lands, and Premises, *as the Case may be*], situate in Street, in the Parish of within the said District, and now in the Occupation of shall be absolutely charged with the Sum of Pounds, paid by of for the Improvement by Drainage and Water Supply [*as the Case may be*] of the same Dwelling House, Shop, Lands, and Premises [*as the Case may be*], together with Interest for the same from the Date hereof at Pounds per Centum per Annum, until full Payment thereof; and also all Costs incurred by the said his Executors, Administrators, or Assigns, under this Security, shall be fully paid and satisfied: And we hereby further declare that the said Principal and Interest Monies shall be paid and payable by the Owner or Occupier of the said Premises to the said his Executors, Administrators, and Assigns, in manner following; (that is to say,) the Interest on such Principal Sum of Pounds, or on so much thereof as shall from Time to Time remain due and payable under this Order, shall be paid and payable by equal half-yearly Payments whilst payable on the Day of and the Day of in every Year, the First Payment thereof to be made on the

the Day of next, and such Principal Sum of Pounds shall be paid and payable by equal annual Instalments on the Day of in each of the next succeeding Years, towards the Discharge of the same Principal Sum, until the whole shall be fully satisfied and discharged.

CAP. XCIX.

An Act to provide for the Government of *British Columbia.* [2d *August* 1858.]

'WHEREAS divers of Her Majesty's Subjects and others 'have, by the Licence and Consent of Her Majesty, re-'sorted to and settled on certain wild and unoccupied Terri-'tories on the North-west Coast of *North America*, commonly 'known by the Designation of *New Caledonia*, and from and 'after the passing of this Act to be named *British Columbia*, 'and the Islands adjacent, for Mining and other Purposes; and 'it is desirable to make some temporary Provision for the Civil 'Government of such Territories, until permanent Settlements 'shall be thereupon established, and the Number of Colonists 'increased:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Boundaries of British Columbia.

I. *British Columbia* shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of *America*, to the East by the main Chain of the *Rocky Mountains*, to the North by *Simpson's River* and the *Finlay* Branch of the *Peace River*, and to the West by the *Pacific Ocean*, and shall include *Queen Charlotte's Island*, and all other Islands adjacent to the said Territories, except as herein-after excepted.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in British Columbia.

II. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, to make, ordain, and establish, and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint as Governor of *British Columbia*, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively.

Her Majesty may establish a local Legisla-

III. Provided always, That it shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order

Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of *British Columbia*, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

ture in British Columbia.

IV. ' And whereas an Act was passed in the Forty-third ' Year of King *George* the Third, intituled *An Act for extend-* ' *ing the Jurisdiction of the Courts of Justice in the Provinces* ' *of* Lower *and* Upper Canada *to the Trial and Punishment of* ' *Persons guilty of Crimes and Offences within certain Parts of* ' North America *adjoining to the said Provinces:* And whereas ' by an Act passed in the Second Year of King *George* the ' Fourth, intituled *An Act for regulating the Fur Trade, and* ' *establishing a Criminal and Civil Jurisdiction within certain* ' *Parts of* North America, it was enacted, that from and after ' the passing of that Act the Courts of Judicature then existing ' or which might be thereafter established in the Province of ' *Upper Canada* should have the same Civil Jurisdiction, ' Power, and Authority, within the *Indian* Territories and ' other Parts of *America*, not within the Limits of either of the ' Provinces of *Lower* or *Upper Canada*, or of any Civil Govern- ' ment of the *United States*, as the said Courts had or were ' invested with within the Limits of the said Provinces of ' *Lower* or *Upper Canada* respectively; and that every Con- ' tract, Agreement, Debt, Liability, and Demand made, entered ' into, incurred, or arising within the said *Indian* Territories ' and other Parts of *America*, and every Wrong and Injury to ' the Person or to Property committed or done within the ' same, should be and be deemed to be of the same Nature, and ' be cognizable and be tried in the same Manner, and subject ' to the same Consequences in all respects, as if the same had ' been made, entered into, incurred, arisen, committed, or done ' within the said Province of *Upper Canada*; and in the same ' Act are contained Provisions for giving Force, Authority, ' and Effect within the said *Indian* Territories and other Parts ' of *America* to the Process and Acts of the said Courts of ' *Upper Canada*; and it was thereby also enacted, that it ' should be lawful for His Majesty, if He should deem it con- ' venient so to do, to issue a Commission or Commissions to ' any Person or Persons to be and act as Justices of the Peace, ' within such Parts of *America* as aforesaid, as well within any ' Territories theretofore granted to the Company of Adven- ' turers of *England* trading to *Hudson's Bay* as within the ' *Indian* Territories of such other Parts of *America* as afore- ' said; and it was further enacted, that it should be lawful for ' His Majesty from Time to Time by any Commission under ' the Great Seal to authorize and empower any such Persons ' so appointed Justices of the Peace as aforesaid to sit and

Certain Provisions of 43 G. 3. c. 138. and 1 & 2 G. 4. c. 66. as regards British Columbia repealed.

'hold Courts of Record for the Trial of Criminal Offences and 'Misdemeanors, and also of Civil Causes, and it should be 'lawful for His Majesty to order, direct, and authorize the 'Appointment of proper Officers to act in aid of such Courts 'and Justices within the Jurisdiction assigned to such Courts 'and Justices in any such Commission, provided that such 'Courts should not try any Offender upon any Charge or In-'dictment for any Felony made the Subject of Capital 'Punishment, or for any Offence or passing Sentence affecting 'the Life of any Offender, or adjudge or cause any Offender 'to suffer Capital Punishment or Transportation, or take 'cognizance of or try any Civil Action or Suit in which the 'Cause of such Suit or Action should exceed in Value the 'Amount or Sum of Two hundred Pounds, and in every Case 'of any Offence subjecting the Person committing the same to 'Capital Punishment or Transportation, the Court or any 'Judge of any such Court, or any Justice or Justices of the 'Peace before whom any such Offender should be brought, 'should commit such Offender to safe Custody, and cause such 'Offender to be sent in such Custody for Trial in the Court 'of the Province of *Upper Canada*:'

From and after the Proclamation of this Act in *British Columbia* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the said Act of the Second Year of King *George* the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, shall cease to have Force in and to be applicable to *British Columbia*.

Appeal from Judgments in Civil Suits to the Privy Council.

V. Provided always, That all Judgments given in any Civil Suit in *British Columbia* shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of *Canada*, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at present established, not to be included in British Columbia.

VI. No Part of the Colony of *Vancouver's Island*, as at present established, shall be comprised within *British Columbia* for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of *Vancouver's Island*, praying for the Incorporation of that Island with *British Columbia*, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to *British Columbia*, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to *Vancouver's Island*.

VII. In

VII. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *British Columbia.* "Governor."

VIII. This Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed. Act to continue in force until Dec. 31, 1862. Expiration of Act not to affect Boundaries, &c.

CAP. C.

An Act to regulate the Office of Clerk of Petty Sessions in *Ireland.* [2d *August* 1858.]

'WHEREAS it is expedient further to regulate the Office of Clerk of Petty Sessions in *Ireland:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Petty Sessions Clerk (*Ireland*) Act, 1858." Short Title.

II. "The Petty Sessions (*Ireland*) Act, 1851," except so far as the same is hereby repealed, shall be incorporated with this Act. 14 & 15 Vict. c. 93. incorporated.

III. In the Interpretation of this Act, except when repugnant to the Context or Subject Matter, the several Words and Expressions herein-after mentioned shall have the several Meanings appropriated to them hereby; (that is to say,) the Term "Oath" or "Affidavit" shall include Affirmation or Declaration; the Word "District" shall mean Petty Sessions District; the Word "Clerk" shall mean Petty Sessions Clerk, and shall include the Clerk of the Justices of any Borough save *Dublin;* "Lord Lieutenant" shall include the Lords Justices or other Chief Governor or Governors of *Ireland;* "Chief or Under Secretary" shall mean the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland;* "Registrar" shall mean the Clerk of Fines and Penalties in the Castle of *Dublin,* or such other Person as the Lord Lieutenant may appoint to discharge the Duties prescribed by this Act for the Registrar to perform; "County in which the Petty Sessions District is situate," and "Division in which the Petty Sessions District is situate," shall, in the Case of Districts locally situate in more Counties or more Divisions than One, respectively mean the County or Quarter Sessions Division, as the Case may be, in which the District Petty Sessions are held; "Stamped Forms" or "Forms" shall extend and apply to any Paper, Book, or Docu- Interpretation of Terms.

ment upon which an adhesive Stamp shall have been affixed under the Provisions of this Act.

Certain Sections of 14 & 15 Vict. c. 93. repealed.

IV. From and after the First Day of *January* One thousand eight hundred and fifty-nine the Second, Third, and Fourth Sections of "The Petty Sessions (*Ireland*) Act, 1851," shall be and are hereby repealed, but such Repeal shall not prejudice or affect any Proceedings instituted before the Time of such Repeal, nor shall it be construed to lessen or affect any Right to which any Person may at the Time of such Repeal be entitled under such repealed Enactments, or any Liabilities then existing and incurred thereunder.

Persons in Office shall continue.

V. Every Person who on the passing of this Act shall hold the Office of Petty Sessions Clerk in *Ireland* shall continue to hold such Office, subject to the Provisions of this Act, until he shall die, resign, or be removed.

One Clerk may be appointed to several Districts.

VI. It shall be lawful for the Lord Lieutenant at any Time hereafter to order and declare that from a certain Time therein to be named Two or more Districts shall be served by One and the same Person as Clerk, and such Order and Declaration shall be published in the *Dublin Gazette*, and shall be notified by the Chief or Under Secretary to the Clerk of the Peace of the County in which the said Districts are situate; and the Justices assembled at the then next Quarter Sessions for the Division of the County in which such Districts shall be situate, or if the said Districts shall be in more than One Division, then at the Quarter Sessions for such Division as the Lord Lieutenant shall appoint, shall proceed to nominate and appoint some one of the Persons who have filled the Office of Petty Sessions Clerk in One of the said Districts immediately before the pronouncing of the said Order, or in case of the Unfitness of all such Persons, then some other proper and fit Person, to be the Clerk of such Districts, and such Appointment shall forthwith be notified by the Clerk of the Peace to the Registrar; and it shall be lawful for such Justices to recommend to the Lord Lieutenant the Amount of annual Salary which in their Opinion should be paid to the Clerk so appointed for such Districts, Regard being had to the Extent of the Duties he will be called upon to perform; and every such Recommendation shall be transmitted to the Lord Lieutenant by such Clerk of the Peace, and the Lord Lieutenant, after due Consideration of any Recommendation which may be so transmitted to him, shall determine the Class in which such Clerk shall be included, and shall fix the Salary to be paid to such Clerk, not exceeding the Amount specified in respect of such Class in Schedule (A.) to this Act annexed.

Appointment of Clerks.

VII. As often as any Vacancy shall arise in the Office of Petty Sessions Clerk serving One District only, the Justices of such Petty Sessions shall nominate and appoint some proper Person to fill the said Office; and in any Borough in which, within the Meaning of the Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, a Commission of

of the Peace has been or shall be granted, and in and for which Borough Petty Sessions are and shall be holden, the Clerk shall, when and so often as a Vacancy shall arise, be nominated and appointed by the Justices of such Borough; and as often as a Vacancy shall arise in the Office of Petty Sessions Clerk serving Two or more Districts, the Justices of such Districts shall appoint some proper Person to fill such Office: Provided always, that Notice shall be given by the Clerk of the Peace for the County or Division in which such Districts, or the greater Part thereof, are situate, of the Time and Place at which the Justices of such Districts are to meet to consider such Matter; and such Notice shall be published in some Newspaper circulated in such County or Division, and shall be served upon each such Justice Seven Days at the least previous to such Meeting, either by delivering the same personally to such Justice, or by leaving the same at or transmitting it by Post to his usual Place of Abode; and every such Appointment, when made, shall be forthwith notified by the Clerk to the Registrar.

Duties of Petty Sessions Clerks.

VIII. Every Petty Sessions Clerk in *Ireland* shall, on and after the First Day of *January* One thousand eight hundred and fifty-nine, hold his Office subject to the following Provisions:

1. He shall hold such Office during the Pleasure of the Justices of the District or Districts of which he shall be Clerk, and of the Lord Lieutenant:
2. He shall not practise as a Barrister, or Attorney or Solicitor, in any Case, nor shall he act as the Clerk of an Attorney or Solicitor, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or be concerned in the Keeping of any Hotel, Tavern, Eating House, or House licensed for the Sale of Liquor to be consumed on the Premises, nor shall he engage in any Business or Occupation which the Lord Lieutenant by any General or Special Order shall have prohibited: But this Enactment shall not apply to Clerks who may be engaged in any Business, Profession, or Occupation, or who shall hold any Appointment, other than that of Petty Sessions Clerk, at the Time of the passing of this Act:
3. In addition to the Duties which he shall be bound to discharge under the Provisions of the Fifth Section of "The Petty Sessions (*Ireland*) Act, 1851," he shall perform the several Duties expressly or impliedly imposed on him by this Act with reference to the keeping of and accounting for all Sums of Money received by him in his official Capacity, and shall also observe and perform all the other Regulations of this Act in reference to his Office and the Duties thereof; and every Justice who shall take any Information out of Petty Sessions is hereby required forthwith to transmit the same to the Clerk of the District to which the same shall properly belong:

4. He shall perform the Duties of his Office in Person, and not by Deputy, except in Cases of Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being; and such Substitute shall, if required by the Justices, enter into Security for the due Discharge of his Duties in such Manner as the Justices shall think fit:

5. In case no Justice shall be in attendance for One Hour after the Time appointed for the holding of any Petty Sessions, it shall be lawful for the Clerk to adjourn the holding of such Petty Sessions, and the hearing of all Proceedings thereat, to the next Petty Sessions Day; and upon such Adjournment being made he shall make an Entry thereof in the Minute Book, and post a Notice thereof on the Door of the Petty Sessions Court-house: All Persons summoned or under Recognizance to attend at such adjourned Sessions shall, without fresh Summons or Recognizance, be bound to attend on the Day to which such Adjournment shall have been made:

6. In every Case of an Appeal from a Summary Conviction for any Offence, and when the Appellant shall have entered into a Recognizance to prosecute such Appeal, the Clerk shall forthwith cause a Notice of such Appeal having been entered into to be duly served upon the Complainant, who shall be the Respondent in such Appeal, and the said Service shall be effected in like Manner as Summonses are now by Law required to be served; and by the said Notice the Respondent shall be required to attend with the necessary Witnesses on the Hearing of such Appeal: The Stamp Duty on such Notice and the Expenses of Service thereof shall be borne and paid by the Appellant as Part of the Costs of the Appeal: In case any Respondent shall upon being served with such Notice fail to comply with the Exigency thereof, he shall be liable to a Fine not exceeding Five Pounds, or such greater Sum as the Appellant may have been adjudged to pay upon such Conviction, to be recovered and levied upon a Prosecution by the Constabulary as in other Cases mentioned in the Petty Sessions (*Ireland*) Act, 1851: Provided always, that it shall be lawful for the Justices upon the Hearing of such Matter to remit the whole or any Part of such Penalty, if they shall be of opinion that the Respondent in such Appeal had any sufficient Excuse for such his Non-compliance.

Lord Lieutenant to fix Salary of Petty Sessions Clerk,

IX. It shall be lawful for the Justices of every Petty Sessions to recommend to the Lord Lieutenant the Amount of annual Salary which, in their Opinion, should be paid to the

the Clerk of such Petty Sessions, Regard being had to the Extent of the Duties of his Office; and every such Recommendation shall be transmitted to the Lord Lieutenant by such Clerk, and the Lord Lieutenant, after due Consideration of any such Recommendation which may be so transmitted to him, shall determine the Class in which such Petty Sessions Clerk shall be included, and shall fix the Amount of Salary to be paid to such Clerk, not exceeding the Amount specified in respect of such Class in Schedule (A.) to this Act annexed, and the same when so fixed shall be paid half-yearly in the Manner herein-after set forth; and the better to enable the Lord Lieutenant to ascertain and fix, or, as Occasion may require, to alter such Salary, the Justices of each Petty Sessions District shall, when required so to do by the Chief or Under Secretary, cause due and faithful Returns to be made of the Amount of Business done, and of all Fees and Fines received in such Petty Sessions District, for the Period required, not exceeding Seven Years next previous to such Requisition; and the Amount of Salary when so fixed shall be duly notified by the Chief or Under Secretary to the Registrar, and also to the Justices of the Petty Sessions District, and such Salary shall be paid in the Manner herein-after mentioned.

upon Recommendation of Justices.

X. It shall be lawful for the Lord Lieutenant to direct that such annual or other Allowance as he shall think right shall be made to each Petty Sessions District for the Payment of Postage, and for the Purchase of Books, Stationery, Court Requisites, Expenses of Court-house, and other Matters; it shall also be lawful for the Lord Lieutenant from Time to Time to make such Allowance as he shall consider fit and reasonable to the Clerks of the Justices in the Borough of *Cork* and the Town of *Belfast*, to enable them to provide such competent Assistants as the Nature and Extent of their Duties or the Exigencies of the Case may require.

Allowance for Contingencies.

XI. Every Person who shall be appointed or shall act as Clerk of Petty Sessions under the Provisions of this Act shall, before entering on such his Office, give Security for the due Discharge of his Duties as such Clerk; and such Security shall be given by a Recognizance, with Two Sureties, to be approved of by any Two of the Justices of his District or Districts, in double the Amount of the annual Salary of such Petty Sessions Clerk; and every such Recognizance may be in the Form (B.) in the Schedule to this Act, or to the like Effect, and the same shall, when perfected, be deposited by the Justices with the Registrar at his Office in *Dublin:* Provided always, that, notwithstanding anything herein-before contained, it shall be lawful for the Lord Lieutenant to direct that the Security of any Guarantee Society established by Charter or Act of Parliament in *Great Britain* or *Ireland* may be accepted in lieu of such Security by Recognizance as aforesaid; provided also, that it shall be lawful for the Lord Lieutenant, when and so often as,

Petty Sessions Clerk shall give Security.

from the Death or Insolvency of Sureties or other Circumstances, he shall think right so to do, to direct that new Security shall be given and entered into, by Recognizance or otherwise, as he shall direct, and the same shall be given and entered into accordingly.

Gratuity or Provision may be given to retiring Clerks.

XII. Whenever, under the Provisions of this Act, any Person shall cease to hold the Office of Clerk of Petty Sessions, by reason of Inability to perform its Duties, or by reason of the Consolidation of Petty Sessions Districts, or the Consolidation of the Office of Clerk, it shall be lawful for the Lord Lieutenant, if he shall so think fit, upon the Recommendation of the Justices of the District of which such Person had been the Petty Sessions Clerk, and by an Order under the Hand of the Chief or Under Secretary, to direct that out of the Fund at his Disposal herein-after mentioned such Person shall be paid such gross Sum by way of Gratuity, or such annual Sum by way of Pension, as to the Lord Lieutenant shall under all the Circumstances appear to be just, such Gratuity not in any Case to exceed the Amount of Three Years Fees, and such Pension not in any Case to exceed Two Thirds of the Salary which such Person had received as Clerk of Petty Sessions previous to his vacating Office, and such Pension shall in every Case cease to be paid when such Person shall have been appointed to the Office of Petty Sessions Clerk of any District or Districts, or to any other Public Office or Situation which shall appear to the Lord Lieutenant to be of equal Value with the Office of Petty Sessions Clerk which such Person shall have ceased to hold.

All Salaries &c. to be paid half-yearly.

XIII. Every Salary payable to any Clerk of Petty Sessions, and every annual Sum payable by way of Compensation or Superannuation Allowance, under the Provisions of this Act, as aforesaid, shall be made payable by virtue of an Order of the Lord Lieutenant, under the Hand of the Chief or Under Secretary; and every such Order shall direct the Salary or Salaries, or other Sum or Sums mentioned therein, to be paid to the Person or Persons mentioned therein by Two half-yearly Payments in each Year, that is to say, on the First Day of *January* and the First Day of *July*.

Stamps in lieu of Fees.

XIV. Every Document enumerated in the Schedule (C.) to this Act annexed shall after the First Day of *January* One thousand eight hundred and fifty-nine be printed or written upon Paper bearing a Stamp denoting the Amount or Value set opposite to such Document in that Schedule; and where any such Document shall consist of more than One Sheet, the First Sheet only shall be impressed with the Stamp; and no Fees, other than those contained in Schedule (C.), nor any Stamp Duties, shall be payable in respect of any of the Documents therein enumerated.

Commissioners of Inland Revenue to provide Dies for denoting Fees

XV. The Commissioners of Inland Revenue shall provide all necessary Dies for denoting such Fees, either by impressed or adhesive Stamps; and the Registrar shall, under the Direction and

and Supervision of the Chief or Under Secretary, cause a sufficient Supply of the said Forms in Schedule (C.) to be printed; and the said Commissioners shall cause any of such Forms to be stamped according to this Act with proper Stamps denoting the Fees thereon; and the Registrar shall cause the same, when so stamped, and also any adhesive Stamps that may be necessary, to be from Time to Time furnished to the several Petty Sessions Clerks in *Ireland*, and also to such of the Distributors and Sub-Distributors of Stamps in *Ireland* as may apply for and be willing to sell the same by Retail at the Price or Sum impressed or denoted thereon, and he shall also cause any stamped Forms of Summonses, Informations, and Warrants, and also any adhesive Stamps that may be necessary, to be furnished to the several Sub-Inspectors or other Officers of Constabulary for the Use of the Constabulary Force under their Control; and for the Purposes aforesaid the said Commissioners shall supply the Registrar with such stamped Forms and adhesive Stamps for denoting any of such Fees, under such Rules and Regulations as the Chief or Under Secretary shall from Time to Time make or direct; and all the Costs and Expenses incurred by the Commissioners under this Act shall be paid by the Registrar out of the Monies which shall come to his Hands in respect of such Fees.

Power to Justices to enforce Payment of Fees in certain Cases.

XVI. In case the Person who shall be liable, under the Provisions of this Act or any other Act or Acts, to pay any of the Fees denoted by Stamps upon any of the Forms or Proceedings set forth in Schedule (C.) to this Act annexed shall fail to make such Payment, it shall be lawful for the Justice or Justices at Petty Sessions to make a summary Order, on the Complaint of the Clerk of such Petty Sessions, to require the Payment of such Fees; and such Order shall be enforced in like Manner as any Order of a Justice or Justices may now be enforced under the Provisions of "The Petty Sessions (*Ireland*) Act, 1851."

Accounts and Allowances.

XVII. Upon every such Supply being made to any Petty Sessions Clerk as aforesaid, his Receipt for the Amount so supplied to him shall be taken by the Registrar, and the stamped Forms and adhesive Stamps so supplied shall be accounted for in manner herein-after mentioned; and the stamped Forms and adhesive Stamps to be supplied to the Sub-Inspectors or other Officers of Constabulary shall be sold and supplied upon Payment of the Amount impressed upon or denoted by the Stamp; and upon the Sale and Supply of Stamps as aforesaid to Distributors and Sub-Distributors of Stamps an Allowance or Discount from the Amount of the Stamps shall be made at and after the Rate of One Shilling in the Pound.

The Provisions of the Stamp Acts, as far as applicable, to be extended to this Act.

XVIII. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act) in all Cases not hereby provided for be in full Force and Effect with respect to the Stamps to be provided

vided under the Provisions of this Act, and shall be applied and put in execution for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provision had been adapted to and specially enacted by this Act in reference to the Stamps hereby provided.

Justices may remit Fees.

XIX. It shall be lawful for the Justices at Petty Sessions, in any Case where they shall be satisfied of the Inability of the Party liable thereto to pay such Fees, to remit, in whole or in part, the Fees payable in respect of the stamped Forms to be used therein; and on the Occasion of every such Remission some One of the Justices shall, by Endorsement on the Forms or by a separate Certificate, notify such Remission accordingly, and the Cause thereof.

Allowance for Stamps spoiled, &c.

XX. The Lord Lieutenant may from Time to Time make Regulations for the Allowance of such of the Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used, or where the Fee has been remitted; and Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed for, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) that may have been allowed for the Sale or Distribution of such Stamps.

Stamps issued to Constabulary, how to be disposed of.

XXI. When any of such Forms or Stamps shall be issued by the Registrar to any Sub-Inspector or other Officer of Constabulary, he shall distribute the same as he shall think fit amongst the several Constabulary Stations or Sub-Stations within the Districts to which his Duties shall extend, to be used and employed only in the Cases of Prosecutions by the Constabulary.

Petty Sessions Clerk shall fill up Forms when required.

XXII. Every Petty Sessions Clerk shall, when required so to do, and as a Part of his Duty, and without Charge, properly fill up all stamped Forms that may be purchased of him or brought to him for that Purpose.

Petty Sessions Clerk to account with the Registrar half-yearly.

XXIII. Every Petty Sessions Clerk shall account with the Registrar twice in each Year for all Stamps issued to him since his Appointment, or since the Period to which his last previous Account may have been carried down; and such Account shall be made and passed in such Form, and at such Times, and in such Manner as the Lord Lieutenant shall for that Purpose direct; and when such Account shall be so taken, the Amount of Salary of such Petty Sessions Clerk due up to and for the last previous Day of Payment, or the Balance that may be due thereof after debiting him with the Amount due for Stamps so sold as aforesaid, and after all just Credits and Allowances, shall be paid to such Petty Sessions Clerk by the Registrar, or in case a Balance shall, upon such accounting, be found to be due by such Petty Sessions Clerk, the same shall be forthwith paid by him to the said Registrar.

XXIV. Every

XXIV. Every such Account shall be verified by the Affidavit or Affirmation of the Petty Sessions Clerk, to be made before the Registrar or One of the Justices of the District or One of the Districts to which the said Clerk shall belong. Accounts to be verified.

XXV. Whenever any Case at Petty Sessions shall be prosecuted by the Constabulary or any Public Officer on behalf of the Crown, some One of the Justices at Petty Sessions shall, when required so to do, endorse upon each of the stamped Forms used in and for the Purpose of such Prosecution the Words "Constabulary Prosecution," or "Public Prosecution," as the Case may be, and sign his Name thereto; and the Sub-Inspector or other Officer to whom the Forms so used and endorsed as aforesaid may have been supplied shall, upon Production thereof to the Registrar, and upon his making a solemn Declaration that no Part thereof has been recovered as Costs of Prosecution or is likely to be so recovered, be entitled to receive and shall receive other stamped Forms to the nominal Amount or Value of those so produced as aforesaid. Allowances in case of Constabulary or other public Prosecution.

XXVI. It shall be lawful for the Lord Lieutenant, by any Writing under his Hand, to direct that the Registrar shall have and be allowed to retain such annual Sum as the Lord Lieutenant may think fit by way of Remuneration for his Trouble in performing the Duties imposed on him by this Act. Salary to Registrar.

XXVII. The Registrar shall make out and prepare an annual Statement of his Accounts under this Act at such Time and in such Form as the Lord Lieutenant shall direct, and the same shall be audited by the Chief or Under Secretary; and such Account, when so made out, prepared, and passed, shall be laid before Parliament within Twenty Days after the Commencement of the then next Session thereof. Accounts of Registrar.

XXVIII. In addition to the Fees by this Act provided, the Fund arising from the Collection of Fines, Amerciaments, and forfeited Recognizances imposed or levied at Petty Sessions in *Ireland* shall be at the Disposal of the Lord Lieutenant for the several Purposes of this Act, except as regards all Fines, Penalties, and Forfeitures, under an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-two, intituled *An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of* Ireland, which shall be recovered and applied as is in the said Act provided, anything to the contrary in any Act of Parliament contained notwithstanding: Provided always, that it shall not be lawful to award to the Informer more than One Third of any such Fine or Penalty. The Fund from Fines, &c. to be at Lord Lieutenant's Disposal.

XXIX. It shall be lawful for the Lord Lieutenant to make such General Rules as shall seem to him expedient for the Purpose of carrying into effect the Provisions of this Act, and from Time to Time to amend and vary such Rules as Occasion shall require. Lord Lieutenant to make General Rules.

XXX This Act shall extend to *Ireland* only, but nothing herein contained shall apply to the Borough of *Dublin* or to the *Dublin* Metropolitan Police District. Limits of Act.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Scale of Salaries of Petty Sessions Clerks.

		£	
Class 1,	shall be	300	per Annum.
„ 2,	„	250	„
„ 3,	„	200	„
„ 4,	„	100	„
„ 5,	„	50	„
„ 6,	„	35	„
„ 7,	„	25	„

SCHEDULE (B.)

Form of Recognizances on Appointment of Petty Sessions Clerk.

County of *W.* to wit. } Be it remembered, That on the Day of 185 , *A.B.* of , &c., *C.D.* of , &c., and *E.F.* of , &c., personally came before me and acknowledged themselves to owe to our Lady the Queen the Sum of Pounds each, to be levied off their Goods and Lands, to the Use of Her said Majesty, if the said *A.B.* shall fail in the Conditions under written.

G.H., One of the Justices of the Peace for the County of .

Whereas the said *A.B.* hath been lately appointed to the Office of Petty Sessions Clerk for the District [*or* Districts] of , &c.: Now the Condition of the above-written Recognizance is such, that if the said *A.B.* shall well and faithfully account for all Moneys which shall come to his Hands or Power by virtue of such his Office, and shall carefully preserve all Books and other Property that may be entrusted to his Charge, and deliver up the same when he shall be required so to do by the Lord Lieutenant, or the Justices of the District to which such Books or other Property shall belong, and shall well and faithfully perform all and singular the Duties by Law imposed or to be imposed upon him as such Petty Sessions Clerk as aforesaid, then the said Recognizance to be void, or else to remain in full Force.

SCHEDULE (C.)

Forms.

	s.	d.
On every Summons and Copy	0	6
On every Information or Deposition	1	0

(The Recognizance to bind the Deponent to prosecute or give Evidence may be added at Foot, without any further Stamp Duty.)

On

	s.	d.
On every solemn Declaration (not being a Declaration as to Loss of Pawnbrokers Duplicates or as to the Admission of Paupers into Workhouses) - - -	1	0
On every Copy of any written Information or Complaint in summary Proceedings - - - -	0	6
On every Warrant - - - - -	0	6
On every Recognizance, when not at Foot of an Information or Deposition - - - - -	1	0
On the Entry of each Order - - - -	0	6
On every Certificate of Order - - -	1	0
On every Appeal, including the Recognizance to prosecute - - - - - -	2	0
On every Notice of Appeal to be served on the Respondent - - - - - -	1	0
On every other Notice in Proceedings by or before Justices when such Notice is drawn by the Petty Sessions Clerk - - - - -	0	6
On every Form other than the aforesaid, upon which any Fee is now payable by Law to the Clerks of Petty Sessions, any Sum not exceeding - - -	2	6

CAP. CI.

An Act to amend the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Sixty-three, relating to Friendly Societies.

[2d *August* 1858.]

'WHEREAS it is expedient to amend an Act passed in 'the Session holden in the Eighteenth and Nineteenth 'Years of Her Majesty, Chapter Sixty-three, intituled *An Act* 'to consolidate and amend the Law relating to Friendly Societies, 'and to provide additional Facilities for carrying the same into 'effect:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

18 & 19 Vict. c. 63.

I. In the City of *London* the Judge of the Sheriff's Court, and in *Ireland* the Assistant Barrister within his District, and in the Cities of *Dublin* and *Cork* the Recorder thereof, shall respectively have the same Jurisdiction as by the said Act, as amended by this Act, is given to the Judge of a County Court in any Matter arising under the said Act, and in *Ireland* a Justice of the Peace or Two Justices of the Peace, as the Case may be, shall have the same Jurisdiction as by Section Twenty-four of the said Act is given to a Justice of the Peace or Two Justices of the Peace in *England* in any Matter arising under the said Section, but the Complaint shall be heard and determined in manner directed by the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-three.

Jurisdiction of County Court given to Judge of Sheriff's Court, Assistant Barrister, &c., and Section 24. extended to Ireland.

II. The

No Money to be paid on the Death of a Child without a Certificate signed by a Medical Practitioner.

II. The Tenth Section of the said Act shall be repealed, and instead thereof be it enacted:

In any Society in which a Sum of Money may be insured, payable on the Death of a Child under the Age of Ten Years for the Funeral Expenses of such Child, it shall not be lawful to pay any Sum so insured unless the Person who shall apply for such Payment shall produce a Certificate, signed by a qualified Medical Practitioner, stating the probable Cause of Death of such Child; and if any Trustee or Officer of such Society, upon an Insurance of a Sum payable on the Death of any Child under the Age of Ten Years, shall knowingly pay a Sum which shall raise the whole Amount receivable from One or more than One Society for the Funeral Expenses of a Child under the Age of Five Years to a Sum exceeding Six Pounds, or of a Child between the Ages of Five and Ten Years to a Sum exceeding Ten Pounds, or shall pay any Sum without endorsing the Amount thereof on the Back or at the Foot of the Medical Certificate aforesaid, or if any Parent or other Person, who shall apply for such Payment to more than One Society, shall produce to the Trustees or Officers of One Society any other or different Certificate than that which he shall have produced to the Trustees or Officers of any other Society, such Trustee, Officer, Parent, or other Person shall be liable to a Penalty not exceeding Five Pounds for every such Act upon Conviction before Two Justices of the County or Borough in which such Child shall have died: Provided, that if the said Child shall have been attended immediately before its Death by the Medical Officer of any Union on account of such Union, he shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall not be entitled to receive any Fee for the same; and if such Child shall not have been attended by such Medical Officer as aforesaid, nor by any qualified Medical Practitioner, the Medical Officer of the Union or Parish in which such Child shall have been resident shall deliver to the Parents or Friends of the deceased Child, upon their Application, a Certificate stating the probable Cause of Death of such Child, and shall be entitled to receive from the Parties applying for the same a Fee of One Shilling.

Extension of recited Act as to Punishment of Fraud, &c.

III. Sections Sixteen and Twenty-four of the said Act shall extend and be applicable to all Institutions and Societies entitled to the Benefit of Section Eleven of the said Act.

Power to Society to change its Name.

IV. Any Friendly Society may, with the Approval in Writing of the Registrar, change its Name; but no such Change shall affect any Rights or Obligations of the Society or any Member thereof, and any legal Proceedings may be continued or commenced by or against the Trustees of the Society, or any Officer or the Committee thereof, by and notwithstanding its new Name.

Disputes to be settled by

V. The Proviso contained in Section Forty of the said Act shall be repealed, and in lieu thereof be it enacted, That where the

the Rules of any Society established under the said Act, or any of the Acts thereby repealed, shall direct Disputes to be referred to Justices, then any Justice of the Peace acting in the County or Borough in which the Place of Business of such Society shall be situated, upon Complaint made by any Member, his Executors, Administrators, Nominee, or Assigns, or by any Person claiming under the Rules of the Society, of any Matter in dispute between him or them and the Society, to summon the Person against whom such Complaint is made to appear at a Time and Place to be named in such Summons, and any Two Justices present at the Time and Place mentioned in such Summons shall proceed to hear and determine the said Complaint, which Complaint shall be heard and determined in *England* in manner directed by the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, and in *Ireland* in manner directed by the Act passed in the Fourteenth and Fifteenth of Her Majesty, Chapter Ninety-three; and such Justices may make such Order thereupon, either for the Payment of Money or otherwise, together with Costs, not exceeding Ten Shillings, as they shall think fit; and where the Order made shall be for the doing of some Act other than the Payment of Money, the said Justices may order the Payment of a Sum of Money in default of the doing of such Act; and any Monies which shall be paid by any Officer of the Society so levied on his Property under any Order or Warrant the Justices shall be repaid, with all Damages accruing to him, by the Society: Provided always, that in *Scotland* the Sheriff within his County shall have the same Jurisdiction as is hereby given to a Justice or Justices of the Peace.

Justices, if Rules so direct.

Justices may make Order.

Sheriff in Scotland to have same Jurisdiction as Justices.

VI. Sections Forty and Forty-four of the said Act shall extend and be applicable to Disputes between the Executors, Administrators, Nominee, or Assigns of a Member, and the Trustees, Treasurer, or other Officer, or the Committee of a Society.

Sects 40. and 44 of said Act extended to other Disputes.

VII. In any Proceeding under the said recited Act or this Act against a Society it shall be sufficient to make the Secretary or other Officer of the Society, at the Time of the Plaint or Complaint being entered or made, the Defendant in such Proceeding, by his Name and the Title of the Office he holds in the Society; and the Proceedings on such Plaint or Complaint shall be commenced and carried on against such Officer on behalf of the Society, and shall not be abated or prejudiced by the Death, Resignation, or Removal, or by any Act of such Officer after the Commencement thereof; and the Summons to be issued to such Officer may be served by leaving the same at the usual Place of Business of the Society.

An Officer to be proceeded against on behalf of a Society.

VIII. Instead of its being necessary to state in the Agreement for the Dissolution of a Friendly Society pursuant to the said recited Act the intended Appropriation or Division of the Funds or Property thereof, such Appropriation or Division may by

In case of Dissolution Registrar or Actuary may divide Funds.

by such Agreement be referred to the Award of the Registrar of Friendly Societies, or to the Actuary to the Commissioners for the Reduction of the National Debt, or to an Actuary of some Life Assurance Company established in *London, Edinburgh,* or *Dublin,* who shall have exercised the Profession of Actuary for at least Five Years, to be named in the said Agreement; and also, that on the Application in Writing of not less than One Fourth Part of the Members of any Friendly Society made to the Registrar or Actuary aforesaid, stating that the Funds of the said Society are insufficient to meet the Claims thereon, with the Grounds thereof, it shall be lawful for the Registrar or Actuary aforesaid to investigate the same, and to determine whether the said Society should continue or be dissolved, and the Funds and Property divided; and if in his Opinion the said Society should be dissolved, then to make an Award to that Effect, and to award, without the Requirement of Section Thirteen of the said Act being complied with, in what Way the Funds and Property should be appropriated and divided; and that the Award of the said Registrar or Actuary in either of the said Cases shall be final and conclusive on all the Members and other Persons interested in or having any Claim on the Funds of the said Society, without Appeal, and shall be enforced in the same Manner as by Section Forty-one of the said Act is provided for enforcing the Decision of Arbitrators; and that the Expenses incurred by the said Registrar, or the Charges of the said Actuary, shall be paid out of the Funds and Property of the said Society before any Appropriation or Division thereof shall be made.

Application may be made to Registrar or Actuary in case of Insolvency of Society.

Acts to be considered as One Act.

IX. This Act and the said recited Act shall be construed as One Act, and may be cited together for all Purposes as the "Friendly Societies Acts, 1855 and 1858."

CAP. CII.

An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes. [2d *August* 1858.]

7 & 8 Vict. c. 109.

8 & 9 Vict. c. 57.

9 & 10 Vict. c. 48.

'WHEREAS an Act was passed in the Eighth Year of 'Her present Majesty's Reign, intituled *An Act to 'indemnify Persons connected with Art Unions and others 'against certain Penalties,* which Act was continued by another 'Act passed in the Ninth Year of Her present Majesty's 'Reign: And whereas another Act was passed in the Tenth 'Year of Her present Majesty's Reign, intituled *An Act for 'legalizing Art Unions:* And whereas certain Parties have 'formed themselves into a voluntary Association for the Pur-'pose of encouraging the Application of High Art to the 'Production of Works of Utility and Ornament, with reference

'to

'to the said last-recited Act, by means of the Purchase of 'Works of *British* and Foreign Manufacture, to be afterwards 'allotted and distributed by Chance or otherwise as Prizes 'among the several Members, Subscribers, or Contributors 'forming Part of such said Association: And whereas Doubts 'have been entertained whether the said Association is a 'lawful Association within the Sense and Meaning of the said 'last recited Act: And whereas it is expedient that all 'Members of and Subscribers and Contributors to the volun-'tary Association and all Persons acting under the Authority 'or on the Behalf of the same, shall be discharged and protected 'from any Pains and Penalties to which they may have ren-'dered themselves liable or may render themselves liable by 'reason of any such their Proceedings as aforesaid:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Association now constituted, and the Members of and Subscribers and Contributors to the said Association, and all Persons who may have acted or may hereafter act under the Authority or on the Behalf of the same, shall be freed and discharged from all Pains and Penalties, Suits, Prosecutions, and Liabilities to which by Law they are or may be liable as having been concerned in illegal Lotteries, Little Goes, or unlawful Games, by reason of anything done or which may have been or may be done by them or any of them here-before or before the Thirty-first Day of *August* in the Year next ensuing the passing of this Act, in furtherance of the Allotment or Distribution by Chance, Scheme, or otherwise of Articles of the Description herein-before set forth, selected, allotted, and distributed as aforesaid.

The said Association, and the Members, Subscribers, and Contributors, thereof, discharged from Suits and Penalties.

CAP. CIII.

An Act to promote and regulate Reformatory Schools for juvenile Offenders in *Ireland*. [2d *August* 1858.]

'WHEREAS it is expedient to provide for the Establish-'ment and Regulation of Reformatory Schools for the 'better training of juvenile Offenders in *Ireland*:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty's Inspectors General of Prisons in *Ireland*, or such Special Inspector of Reformatories as may be hereafter appointed by the Lord Lieutenant of *Ireland*, who is hereby authorized and empowered to appoint a fit and proper Person to

Power to Chief Secretary, on Application from Managers of Institution, to direct an Inspector of Prisons to report.

to be Inspector of Reformatory Schools in *Ireland,* if he shall think fit, to examine and report to him upon its Condition and Regulations; and any such Institution as shall appear to the Satisfaction of the said Chief Secretary, and shall be certified under his Hand and Seal, to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty's Inspectors General of Prisons, or such other Special Inspector of Reformatories as aforesaid, to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid; and if upon the Report of any such Inspector the said Chief Secretary for the Time being shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act; and annual Reports of such Inspectors as touching the Reformatory Schools under this Act shall be annually laid before both Houses of Parliament, accompanied by Accounts showing the Receipts and Expenditure of each such School, and the Certificates granted and withdrawn.

When Reformatory School is certified by Lord Lieutenant, Notice to be published in the Dublin Gazette.

II. Whenever the Chief Secretary shall at any Time grant a Certificate under this Act to any Reformatory School, he shall within One Calendar Month cause a Notice thereof to be published in the *Dublin Gazette,* and such Publication shall be a sufficient Evidence of the Fact of such Reformatory School having been certified to justify the Judge or the Justices before whom any such juvenile Offender shall have been convicted to commit such juvenile Offender thereto, subject to the Provisions of this Act; and whenever the Chief Secretary shall withdraw the Certificate granted to any Reformatory School, he shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

Power to Grand Jury of a County or Council of a Borough to grant Money in aid of Maintenance of Offenders in Reformatory Schools.

III. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, if they shall think fit, at any Assizes, and for the Town Councils of the Boroughs of *Dublin, Cork,* and *Limerick,* upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders which has been or which may hereafter be certified under this Act, supported in whole or in part by voluntary Contributions in such County or Borough respectively, to present a Sum of Money in aid of the Maintenance of such Offenders from such County or Borough respectively, sentenced to or detained in such Reformatory School, to be raised off the said County or Borough, subject to such Conditions as may be agreed upon between such Grand Jury or Council and such Directors, Managers, or Promoters.

No Money to be granted to Schools unless certified by Chief Secretary.

IV. Provided, That no Money shall be presented or ordered to be raised as aforesaid under this Act in aid of any Reformatory School unless the Institution has been certified by the Chief Secretary as aforesaid, nor shall any Money be paid under

under any such Presentment or Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn.

Grand Jury or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

V. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, and for the Council of such Borough as aforesaid, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Directors or Managers of any Reformatory School certified as aforesaid, for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement, without any previous Application to a Presentment Sessions.

Monies granted under this Act, how to be raised.

VI. All Monies presented to be raised and paid for the Reception and keeping of such Offenders in such School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County or by the Council of such Borough as aforesaid respectively for defraying the ordinary current Expenditure of their several Gaols.

Juvenile Offenders, how to be dealt with

VII. Whenever after the passing of this Act any Person shall be convicted of any Offence punishable by Law (except the Offence of Vagrancy) before any Judge of Assize or Judges sitting under a Commission of Oyer and Terminer, or before any Court of Quarter Sessions, or before the Divisional Justices of the *Dublin* Metropolitan Police District, or before any Justice or Justices of the Peace at Petty Sessions, under the Provisions of the Sixth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851," whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of Sixteen Years, then and in every such Case it shall be lawful for the Judge or Court, or the Divisional Justices, or the Justices at Petty Sessions as aforesaid, before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his or her Offence, to direct such Offender to be sent, at the Expiration of such Sentence, to some One of the aforesaid Reformatory Schools the Directors or Managers of which shall be willing to receive such Offender, and to be there detained for a Period not less than One Year and not exceeding Five Years; and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence at the Expiration of which he is directed to be so sent and detained shall be one of Imprisonment for Fourteen Days at the least; and provided also, that no such

Juvenile Offenders to be sent only to Schools managed by Persons of same Religious Belief as Parents of such Juveniles.

Offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the exclusive Management of Persons of the same Religious Persuasion as that professed by the Parents or Guardians of such juvenile Offender; and in all Cases in which the Religion of the Parents or Guardians of such juvenile Offender is unknown, the said juvenile Offender shall be considered as belonging to that Religious Persuasion in which he or she shall appear to have been baptized, or of which he or she shall profess to be a Follower: Provided also, that in case the Court which shall order such Offender to be so sent and detained as aforesaid shall think it right to sentence such Offender to a previous Term of Imprisonment to which such Offender shall have been sentenced as a Punishment for his or her Offence, such Term of Imprisonment shall be directed to be carried out and spent, as far as is practicable, in strict Separation: Provided also, that the Chief Secretary may at any Time order any such Offender to be discharged from any such School: Provided also, that whenever any Order shall be made under this Act by any Divisional Justice, or by any Justices of Petty Sessions, for sending any juvenile Offender to any Reformatory School, it shall and may be lawful for such juvenile Offender, or any Parent or Guardian of him or her, to appeal against any such Order, in case same be made by any Divisional Justice, to the Recorder of the City of *Dublin* at his next Sessions, and in case such Order be made by any Justices at Petty Sessions, to the next Quarter Sessions of the Division within which the Petty Sessions at which such Order shall be made shall be situate, but in case there shall not be Fifteen clear Days between the making of the Order and the next Sessions of the said Recorder, or the next Quarter Sessions of such Division as aforesaid, then to the next following Sessions of the said Recorder, or the next following Quarter Sessions of such Division as aforesaid; and every such Appellant shall give or cause to be given to the Divisional Justice whose Order is appealed from, or to the Clerk of the Petty Sessions at which the Order appealed from has been made, Notice in Writing of his Intention to appeal, at least Seven Days before the Commencement of the Sessions or Quarter Sessions to which such Appeal shall be made; and whenever any such Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the Recorder, or for the said Court of Quarter Sessions, as the Case may be, to entertain the same, and to confirm, reverse, or vary the Order complained of, or to order that such juvenile Offender shall be sent to some other Reformatory School established under this Act, and such Appeal shall not be dismissed upon any Point of Form.

School to which Offender committed need not be named in the Sentence.

VIII. It shall not be necessary, at the Time of passing Sentence, for any such Judge or Court to name the particular School to which such Offender is to be sent, but it shall be sufficient for such Judge or Court to direct that such Offender be

be sent to such School (being a School duly certified under the Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, be directed by One of the Judges or by the Justices of the Court before whom such Offender shall be so convicted.

Supplemental Orders may be made.

IX. Any such Court, having made an Order under the Authority of this Act for sending any Offender to any Reformatory, may make a supplemental Order, if the Court shall so think fit, at any Time thereafter, and before the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, exchanging the Name of such Reformatory for the Name of any other Reformatory to which such Offender might in the first instance legally have been sent, provided the Directors or Managers of such Reformatory be willing to receive such Offender, and such Offender shall be sent to such last-mentioned School accordingly.

Expenses of Conveyance how to be paid.

X. The Expense of conveying any juvenile Offender sentenced under this Act to the Reformatory School to which he has been committed under an original or supplemental Order shall be charged and chargeable upon the County, County of a City, or County of a Town from which he shall have been first removed, and such Expenses shall in the first instance be paid as follows; that is to say, by the Governor of the Prison of such County, County of a City, or County of a Town, when such Expenses shall have been incurred by the Governor or any Officer of any Prison therein respectively having the Custody under Sentence of such Offender, other than a Bridewell, and by the local Inspector of Constabulary when such Expenses shall have been incurred by the Keeper or other Officer of any Bridewell therein respectively having the Custody under Sentence of such Offender; and such Governor and local Inspector respectively shall from Time to Time lay before the Board of Superintendence of the said Prison Accounts duly vouched of the Expenses so incurred; and the said Board shall examine such Accounts and upon being satisfied of their Reasonableness and Accuracy shall pay the same out of any Funds under their Control, in like Manner as if such Expenses had been incurred for the Removal of Prisoners under the Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Eighty-five, and the said Act shall extend to and include such Expenses.

Governor of Prison, &c. to send Duplicate or Copy of Warrant of Commitment with Offender to Reformatory.

XI. It shall be the Duty of the Governor of any Prison, or the Keeper or other Officer of any Bridewell, having the Custody under Sentence of any juvenile Offender who is ordered to be sent to any Reformatory, to forward, with such Offender, to such Reformatory, an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such Offender has been imprisoned, and if no such Duplicate exists, to forward with such Offender a Copy of such Warrant, and at

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the Foot of such Duplicate or Copy to make a Memorandum stating that the juvenile Offender named therein, and sent therewith, is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or a Copy to such Prison or Bridewell, and such Memorandum shall be signed by such Governor or Keeper or other Officer aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such juvenile Offender in such Reformatory.

What shall be deemed sufficient Evidence as to Identity of juvenile Offenders.

XII. The Production of an original Duplicate of the Warrant of Commitment or a Copy of the Warrant of Commitment of such young Person, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or Bridewell from which such young Person was sent as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent of any Reformatory School, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment and subsequent Detention and Identity of the young Person named in such Warrant.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

XIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of the Chief Secretary of the Lord Lieutenant of *Ireland*, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate *per* Head as shall be determined by them, or such Portion of such Cost as shall be recommended by the said Chief Secretary.

Absconding or refractory Conduct at Reformatory School, how to be punished.

XIV. 'And whereas it is expedient that some Provisions 'should be made for the Punishment of any juvenile Offender 'so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully 'neglect or refuse to abide by and conform to the Rules 'thereof:' Be it enacted, That it shall and may be lawful to and for any Justice of the Peace or Magistrate in Petty Sessions, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be at the Time he or she shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding Six Calendar Months, such Period of Imprisonment to be passed, as far as is practicable, in strict Separation; and such Offender shall at the Termination of such Imprison-

ment

ment be transmitted to the same Reformatory to which he or she was originally sentenced, if the Directors or Managers shall be then willing to receive such Offender, there to complete the full Term of his or her original Sentence.

Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.

XV. In every Case in which any juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he or she shall be so sentenced shall direct the proper Officer of the Court to issue his Certificate of the said Sentence, which shall be conclusive Evidence thereof; and in every Case of such Sentence as aforesaid the Parent of such Offender shall, if of sufficient Ability, be liable to contribute to his or her Support and Maintenance a Sum not exceeding Five Shillings a Week; and it shall be lawful for any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent shall reside, or for any Divisional Police Magistrate in any City or Borough in which such Parent shall reside, upon the Complaint of any Person authorized by the Chief or Under Secretary of the Lord Lieutenant for *Ireland* to take Proceedings in that Behalf, to summon the Parent, as the Case may be, and on the Hearing of such Summons, whether the Party summoned shall appear or not, to examine into his or her Ability to contribute to such Offender's Support or Maintenance, and to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings *per* Week, as shall seem reasonable, during the whole or any Part of the Detention of such juvenile Offender in such Reformatory School, such Payment to be made, at such Times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as such Chief or Under Secretary may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the said Chief or Under Secretary may direct.

Power to remit, reduce, or increase the weekly Payments.

Payment not to exceed Five Shillings weekly.

XVI. The Parent or the Person authorized by the Chief or Under Secretary of the Lord Lieutenant of *Ireland* to take Proceedings as aforesaid may respectively at any Time apply to any Justice or Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-parent resides, or before any Divisional Police Magistrate for any City or Borough in which such Parent resides or in which such Reformatory is situate, for an Order to diminish the weekly Sum payable by said Parent under such Order as aforesaid, or to increase it to an Amount not exceeding Five Shillings *per* Week; and the Justices or Stipendiary or Divisional Police Magistrate as aforesaid, on Proof that the said Parent or the said Person so authorized to take Proceedings as aforesaid have given to each other, as the Case may be, not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and into the then Circumstances and Ability of such Parent, and may diminish or increase the Amount of the weekly Sum payable by such Parent as they

think fit, or may release him from such Payment altogether, such Order to be without Prejudice to any future Order which on any further Inquiry into the Circumstances and Ability of the said Parent may appear to be just and reasonable.

Provisions in case of Default in Payment by Parents.

XVII. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent under any such Order, such Sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of the Defendant or otherwise, or if it shall be returned to the Warrant of Distress in any such Case, that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrate to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Ten Days, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Provision for Care of Offenders when discharged from Reformatory Schools.

XVIII. 'Whereas it is expedient to make further Provision for the due Care and Protection of juvenile Offenders 'discharged from Reformatory Schools:' It shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any juvenile Offender committed to such School, to place such Offender on Trial with some Person to be named in the Licence herein-after mentioned, who shall be willing to receive and take charge of and qualified to provide for and take care of such Offender, and to grant to such Offender a Licence under their Hands, or the Hand of any One of them appointed for that Purpose, to reside with such Person for any Term not exceeding Twelve Months, unless sooner called upon by the said Managers to return to the said School, and to require such Offender to return to the said School at any Time during the same; and such Managers shall bring back such Offender to the said School at the Expiration of the said Term, provided that such Offender shall not have been previously discharged from the School by Order of the Chief Secretary of the Lord Lieutenant of *Ireland* as aforesaid; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that Case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of One Half of the Term of Detention to which he was originally sentenced.

XIX. Any

XIX. Any Person who shall directly or indirectly wilfully withdraw any young Person from any such Reformatory School or Institution as aforesaid to which he or she has been so sent, or induce him or her to abscond therefrom, or who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable for any such Offence to a Penalty not exceeding Five Pounds, to be recovered and enforced by summary Conviction in the same Manner, and subject to the same Provisions and Orders, and under the same Powers, as any penal or other Sum may be enforced by summary Conviction under the Petty Sessions, *Ireland*, Act, 1851.

Penalty for harbouring any young Person absconding from a Reformatory School.

XX. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of *Ireland*, if he shall think fit to do so, to remove any such youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School, and that the same shall only be to some Reformatory under the Management of Persons of the same Religious Profession as that to which he or she might have been originally committed.

Offenders may be removed from one School to another.

XXI. This Act shall not extend to *England* or *Scotland*.

Extent of Act.

CAP. CIV.

An Act to alter and amend the Metropolis Local Management Act (1855), and to extend the Powers of the Metropolitan Board of Works for the Purification of the *Thames* and the Main Drainage of the Metropolis. [2d *August* 1858.]

'WHEREAS it is necessary, with a view to the Health 'of the Metropolis, that Works should be speedily under-'taken and completed for the Purification of the *Thames* and 'for the Improvement of the Drainage of the Metropolis, and 'for this Purpose it is expedient that the Act of the Session 'holden in the Eighteenth and Nineteenth Years of Her 'Majesty, "for the better Local Management of the Me-'tropolis," should be amended:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 120.

I. The Metropolitan Board shall cause to be commenced as soon as may be after the passing of this Act, and to be carried on and completed with all convenient Speed according to such Plan as to them may seem proper, the necessary Sewers and Works for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as may be practicable,

The Metropolitan Board of Works to commence Sewerage Works as soon as may be.

practicable, the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis.

Metropolitan Board may construct Works on the Shores and Bed of the Thames.

II. The Metropolitan Board of Works, for the Purposes of this Act, may construct any Work through, along, over, or under the Bed and Soil and Banks and Shores of the River *Thames*, making Compensation to all Persons having any Interest in any Wharfs, Jetties, or other Property damaged by such Works, as provided by the said Act of the Eighteenth and Nineteenth Years of Her Majesty in respect of Property injured under the Powers of such Act.

Powers of taking Land to apply for the Purpose of deodorizing Works.

III. The Powers of taking Land given by the said Act of the Eighteenth and Nineteenth Years of Her Majest and all other Powers in such Act and this Act in relation to Sewerage Works shall extend and be applicable as well to Works for deodorizing Sewage as to all other Works under this Act, either within or beyond the Limits of the Metropolis, and all such Works shall be deemed Works for the Purpose of the Sewerage or Drainage of the Metropolis.

Metropolitan Board of Works may (before 1865) raise the Sum of Three Millions by Bonds or Debentures.

IV. The Metropolitan Board of Works may, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time after the passing of this Act, but not later than the Thirty-first Day of *December* One thousand eight hundred and sixty-four, borrow on such Bonds, Debentures, or other Securities, and at such Rate of Interest, and upon such Terms as to the Time of Repayment and otherwise, as such Commissioners may approve, any Sum or Sums of Money not exceeding in the whole the Sum of Three million Pounds for the Purposes of this Act.

Power to raise Money for Repayment of Principal Moneys.

V. Upon or for the Repayment of the Principal Money secured under the Authority of this Act, or any Part of such Money, the said Metropolitan Board may, with such Consent as aforesaid, at any Time borrow on such Bonds, Debentures, or other Securities as aforesaid all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money for the Time being secured under this Act may require to be repaid; but the Amount to be secured by new Securities shall not in any Case exceed the Principal Money required to be repaid.

The Treasury may guarantee Payment of Moneys borrowed.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury to guarantee the Payment of the Principal and Interest of any Money borrowed under this Act, and all Bonds, Debentures, and Securities issued under this Act, the Payment of the Principal and Interest secured whereby is intended to be so guaranteed, shall be signed by such Officer as the Commissioners of Her Majesty's Treasury may in this Behalf from Time to Time appoint.

Securities transferable by Delivery.

VII. All Bonds, Debentures, and Securities issued under the Authority of this Act, and all Right to and in respect of the Principal Moneys secured thereby, and all Interest due and accruing thereon, shall be transferable by the Delivery of such Bonds, Debentures, and Securities respectively.

VIII. The

VIII. The Metropolitan Board of Works shall cause a separate Account to be kept of the Money borrowed by such Board under this Act, and all such Money, except Money borrowed for Repayments as herein-before provided, shall be applied in Payment of the Expenses of and incidental to the Works to be executed under this Act, and to no other Purpose; and the Auditor appointed by the Secretary of State shall, upon his Audit of the Accounts of the said Board in every Year, cause a separate Abstract and Statement to be prepared of the Receipt and Expenditure of the said Board under this Act, which shall be laid before Parliament as directed concerning his other Abstracts and Statements.

Money borrowed under this Act to be applied only to Works under this Act.

IX. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint an Engineer or Engineers to inspect the Works to be constructed under this Act, and to report to such Commissioners in relation to the Expenditure thereon; and such Engineer or Engineers shall have full Power and Authority at all reasonable Times to enter upon such Works, and survey and inspect the same, and to inspect the Accounts of the said Metropolitan Board in relation thereto, for the Purpose of reporting as aforesaid.

Appointment of Inspecting Engineers.

X. The Metropolitan Board of Works shall during Forty Years from the Time of the passing of this Act assess and cause to be raised in each Year, upon the City of *London* and the other Parts of the Metropolis, for the Purposes of this Act, such Sums as, in their Judgment, will be equivalent to a Rate of Threepence in the Pound upon the annual Value of the Property in the said City and other Parts respectively, estimated according to the Estimate or Basis on which the County Rate is assessed, or according to a like Estimate; and the Sums to be so assessed in each Year may be assessed at One Time or at several Times, as the said Board may think fit.

Metropolitan Board of Works to levy a Rate of Threepence in the Pound on the Property in the Metropolis

XI. In the Assessments of the said Metropolitan Board under this Act, and in their Precepts, and in the Orders of Vestries and District Boards to be made in respect of such Assessments, such Sums shall be distinguished as being assessed for "the Metropolis Main Drainage Rate," and all such Sums assessed upon the City of *London* shall be reimbursed to the Chamberlain of the said City by means of a separate Rate to be called "the Metropolis Main Drainage Rate," to be levied under the Direction of the Commissioners of Sewers of the said City, in like Manner and subject to the like Provisions as any Rate which such Commissioners are authorized to direct to be made under any Act relating to the Sewerage of the said City, and all such Sums assessed on other Parts of the Metropolis shall be levied by means of a separate Rate to be called "the Metropolis Main Drainage Rate," in like Manner and subject to the like Provisions as the Sewers Rate to be made under the said Act of the Eighteenth and Nineteenth Years of Her Majesty; and the Assessments of the said Metropolitan Board under this Act shall include the Places mentioned

Such Rate to be called "the Metropolis Main Drainage Rate."

tioned in Schedule (C.) to the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and the Sums to be assessed thereon shall be raised by means of Rates to be made and levied as therein provided in respect of the raising of Moneys assessed by the said Board.

All Parts of the Metropolis equally benefited.

XII. For the Purposes of the Assessments under this Act, all the Parts of the Metropolis shall be deemed to be equally benefited by the Expenditure under this Act.

Assessments and Precepts may be according to Form in Schedule.

XIII. The Assessments to be made by the Metropolitan Board of Works, and the Precepts for obtaining Payment of any Moneys assessed thereby, may be according to the Forms contained in the Schedule to this Act or to the like Effect.

Provisions applicable to other Assessments of the Metropolitan Board to be extended to Assessments under this Act.

XIV. All the Provisions of the said Act concerning the Estimate on which Assessments by the said Metropolitan Board shall be made, and for and in relation to the assessing, raising, and enforcing Payment of the Sums assessed by the said Board, shall, subject to the Provisions of this Act, extend and apply to and in the Case of all Sums to be assessed by the said Board under this Act; provided that the Metropolis Main Drainage Rate, and the Sums assessed or raised for or in respect thereof, shall not be subject to any Mortgage or Security made or to be made by the Metropolitan Board of Works, other than Securities under this Act; but, save as aforesaid, the Powers of borrowing and of assessing and rating vested in the said Board before the passing of this Act shall not be prejudiced or affected by this Act.

Rates to be made by Metropolitan Board on default of Vestries, &c. in Payment of Precepts.

XV. The said Metropolitan Board may, in case of any Default or Neglect of any Vestry, District Board, or other Body or Person to pay the Amount required by any Precept of the said Board, or any Part of such Amount, within such Time and in such Manner as may be mentioned in such Precept in that Behalf, raise and levy the Money required by the said Board for the Purposes of this Act in any Parish, District, or Part, and for that Purpose may make and levy a Rate of such Amount in the Pound on the annual Value of the Property rateable as will, in their Judgment, having regard to all Circumstances, be sufficient to raise the Money so required as aforesaid; and such Rate shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in such Parish, District, or Part, subject to the Provisions in the said Act of the Eighteenth and Nineteenth Years of Her Majesty contained concerning the levying of Monies by Overseers in pursuance of Orders made upon them by Vestries under the said Act, and shall be assessed upon the net annual Value of such Property ascertained by the Rate for the Time being for the Relief of the Poor; and the said Board may appoint One or more Collectors for levying any such Rate, and pay him or them any Salary, Poundage, or Allowance in respect of their Employment under this Enactment which such Board may deem just and reasonable, and shall take such Security from every such Collector for the due Execution

Execution of his Duty as they shall think reasonable and proper; and the said Board, and the Collector or Collectors to be appointed by them, shall have the same Powers, Remedies, and Privileges as for levying Money for the Relief of the Poor; and all such Rates shall be allowed in the same Manner, and be subject to the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty and otherwise, as the Rate for the Relief of the Poor; and all the Expenses of and incidental to the preparing, making, collecting, and levying any such Rate shall be raised and levied by the said Metropolitan Board in addition to but as Part of the said Rate; and after Deduction by the said Board of the Expenses, all Monies levied or received under or in respect of the said Rate shall be paid by the said Board into the Bank of *England* to the same Account and for the same Purposes as herein-after mentioned concerning Monies payable under the Precepts of the said Board in respect of the Metropolis Main Drainage Rate; provided also, that the Provisions of Sections One hundred and sixty-three, One hundred and sixty-four, and One hundred and sixty-nine of the said Act of the Eighteenth and Nineteenth Years of Her present Majesty shall be applicable to every Rate under this Act.

Extension of Provisions as to Inspection, &c. of County Rates to other Rates and Taxes.

XVI. The Provisions of Section One hundred and seventy-one of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, for enabling the Clerk or other Person or Persons authorized by the Metropolitan Board of Works to inspect or take Copies of or Extracts from County Rates, Bases, Returns, and other Documents, and the Penalties by the said Enactment prescribed in the Case of Neglect or Refusal to permit any such Clerk or Person to inspect or to take Copies or Extracts, are hereby extended and made applicable to all other Rates and Assessments, whether parochial or otherwise, within the several Parts of the Metropolis, and the Books in which the same are contained, and the Valuations and Returns relating thereto, and the Person or Persons having the Custody or Control thereof.

Metropolitan Board may require to be furnished with Copies of Poor Rates.

XVII. It shall be lawful for the said Board, by Order in Writing, to require the Vestry Clerk, Overseer, Collector, or other Person having the Custody or Control of any Rate for the Relief of the Poor in any Parish or Place, to furnish within such Period, not being less than Seven Days, as shall be limited in such Order, or of such Part or Parts of the said Rate as shall be specified in such Order, on Payment or Tender for such Copy at the Rate of Sixpence for every Twenty-four Names (inclusive of all the Particulars in the several Columns of the Rate, so far as such Particulars have reference to such Names respectively); and the said Copy shall be examined by and signed by such Vestry Clerk, Overseer, Collector, or other Person, and shall be verified by his solemn Declaration, if the said Board shall require the same, which solemn Declaration any Justice of the Peace, or Commissioner duly authorized, is hereby

hereby authorized to administer; and any Person having the Custody or Control of such Rate who shall refuse or neglect to make and deliver to the said Board, or any Person by them authorized to receive the same, such Copy or Extract, or to make such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds for every such Offence, and to a further continuing Penalty of Ten Pounds for each and every Day during which the said Offence shall be continued.

Moneys arising from the Rate to be paid into a separate Account in the Bank of England.

XVIII. An Account shall be opened in the Books of the Governor and Company of the Bank of *England* for the Purposes of this Act, in the Names of such Officers or Persons as the Commissioners of Her Majesty's Treasury may direct, and such Account shall be deemed a Public Account, and all the Moneys payable under the Precepts of the Metropolitan Board of Works in respect of the Metropolis Main Drainage Rate shall be paid into the Bank of *England* to such Account, and the Dividends and Income arising from the Investments of any such Moneys under this Act, and the Produce of the Sale from Time to Time of such Investments, and all Moneys borrowed for Repayment, until applied for that Purpose, shall be paid into the Bank of *England* to the said Account.

Application of Moneys paid into the Bank of England.

XIX. All Moneys paid to the Credit of the said Account shall be from Time to Time applied in Payment of the Interest of the Moneys borrowed under this Act, and subject thereto in or towards Payment of any Moneys so borrowed which for the Time being may be payable, or the Purchase of Bonds, Debentures, or Securities whereby any such Moneys are secured, for the Purpose of the Extinction thereof; and any Surplus, after answering the Purposes aforesaid, shall be invested in Government Securities in such Manner as the Commissioners of the Treasury may think fit and direct, and such Investments shall be sold when and as the said Commissioners of the Treasury may direct.

Moneys arising from Rates may be applied in lieu of Money to be raised by Loan.

XX. Provided always, That the Commissioners of Her Majesty's Treasury may authorize any Money standing to the Credit of the said Account in the Bank of *England*, not exceeding in the whole the Amount remaining to be raised of the said Sum of Three million Pounds, to be paid to the Metropolitan Board of Works, to be applied as any Money to be raised by Loan under this Act is applicable: In such Case the Amount which would otherwise have remained raisable under this Act shall be reduced by the Sum or Sums so authorized to be paid to the Metropolitan Board of Works as aforesaid.

Payment in pursuance of Guarantee.

XXI. For the Purpose of giving effect to such Guarantee as herein provided, it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, such Sums as may be necessary for Payment of such Principal and Interest as may from Time to Time be payable in aid of any other Moneys applicable for that Purpose under this Act; and in case any Principal or Interest payable under

under this Act shall be paid out of the said Consolidated Fund, such Commissioners shall cause any Money so paid to be repaid to the said Consolidated Fund out of any Moneys which may have arisen or may arise from the Rates levied under this Act or the Investment thereof.

The Rate under this Act may be determined when the Money borrowed is repaid.

XXII. If the whole Amount raisable under this Act shall have been raised and paid off by means of the Rates levied under this Act before the Expiration of the said Period of Forty Years, the Metropolitan Board of Works, with the Consent of the Commissioners of Her Majesty's Treasury, shall discontinue the Assessment for "the Metropolis Main Drainage Rate;" and any Surplus of the Moneys arising from the Rates levied under this Act which may remain after such Payment shall be applicable towards defraying the Expenses of the said Board.

Metropolitan Board to deodorize Sewage and defray Expenses as under 18 & 19 Vict. c. 120.

XXIII. The Metropolitan Board of Works, in the meantime and until the Works required by this Act for the Purification of the River *Thames* are completed, may do all such Works and apply all such Means as they may deem proper for deodorizing such Sewage or otherwise protecting the Public Health from any injurious Consequences therefrom, and may defray the Expenses incurred for this Purpose as the Expenses incurred by the said Board under the said Act of the Eighteenth and Nineteenth Years of Her Majesty are therein directed to be defrayed.

Board to execute Works so as not to create a Nuisance.

XXIV. The said Metropolitan Board shall cause all Works to be executed under this Act to be constructed and kept so as not to be a Nuisance, and shall, in deodorizing any Sewage, and in disposing of any Sewage or Refuse from Sewers, act in such Manner as not to create a Nuisance.

Enactments requiring the Approbation of the Commissioners of Works, &c. repealed.

XXV. Section One hundred and thirty-six of the said Act, and so much of Section One hundred and forty-four of the said Act as provides "that before the Metropolitan Board of Works "commence any such Works the estimated Expense whereof "shall exceed Fifty thousand Pounds, the Plan of such Works, "together with an Estimate of the Cost of carrying the same "into execution, shall be submitted by such Board to the Com-"missioners of Her Majesty's Works and Public Buildings, and "no such Plan shall be carried into effect until the same has "been approved by such Commissioners, and no such Works "shall be commenced in Cases where the estimated Expense "thereof shall exceed the Sum of One hundred thousand Pounds, without the previous Sanction of Parliament," shall be repealed.

Time for Completion of Works extended to End of 1863.

XXVI. The Time limited by Section One hundred and thirty-five of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, for the Completion of the Sewers and Works necessary for preventing the Sewage of the Metropolis from passing into the River *Thames* in or near the Metropolis, shall be extended to the Thirty-first Day of *December* One thousand eight hundred and sixty-three.

XXVII. No

Works, &c. to be approved of by the Admiralty.

XXVII. No Works upon the Bed or Shores of the said River *Thames* below High-water Mark which may interfere with the Navigation of that River shall at any Time be commenced or executed under the Provisions of this Act without the same having been previously approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be from Time to Time specified in Writing under the Hand of the Secretary to the Admiralty.

Works upon Shore of the River Thames to be approved by the Conservators of the River Thames.

XXVIII. In order to preserve the Navigation of the River *Thames*, the Plans of any Work to be constructed under the Authority of this Act upon the Banks, Bed, or Shore of the River *Thames*, which may interfere with the free Navigation of the said River, shall be approved by the Conservators of the River *Thames*, in Writing signed by their Secretary, before such Works are commenced, certifying that the Works according to such Plans will not interfere with the Navigation of the River *Thames*.

Saving Rights of the Conservators of the River Thames.

XXIX. Nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Rights of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise, so far as such Rights, Power, Authority, or Jurisdiction may be exercised for preserving the free Navigation of the River *Thames*.

Regulation of Works under or over the River Lea.

XXX. No Works under or over the main navigable Channel of the River *Lea* shall at any Time be commenced or executed under the Provisions of this Act without leaving the Top of any Work under the Navigation not less than Twelve Feet below High Water, *Trinity* Standard, and for any Work over any Part of the Navigation without leaving the Soffit of such Work not less than Eight Feet Six Inches above High Water, *Trinity* Standard, with a clear Span over the said River, inclusive of the Towing-path thereof, of not less than Fifty-four Feet; provided that it shall be lawful for the Trustees of the River *Lea*, by Writing under their Common Seal, on the Application of the Metropolitan Board of Works, to consent to an Alteration or Variation of the said Dimensions or either of them.

On Complaint of Nuisance committed in execution of Works, Secretary of State may order Prosecution.

XXXI. It shall be lawful for One of Her Majesty's Principal Secretaries of State, at his Discretion, on Representation or Complaint made to him of any Nuisance committed in execution of any Works, or in deodorizing any Sewage, or in disposing of any Sewage or Refuse from Sewers, or in any other Manner under this Act, to cause Inquiry to be made into the Matter represented or complained of to him, and to direct such Prosecution or Prosecutions, or to take such other Proceedings as he may think fit, in order to ensure the Prevention or Abatement of such Nuisance as aforesaid.

Interpretation of Terms.

XXXII. In the Construction of this Act the Expression "deodorize" shall be deemed to include any Process whereby the

the solid suspended Matters in Sewage may be precipitated or separated from the Liquid before the Discharge thereof, or whereby the noxious or offensive Properties of Sewage may be neutralized; and the Expression "Sewage" shall mean and include the Contents of the Sewers before the Employment of such Process.

XXXIII. The said Act of the Eighteenth and Nineteenth Years of Her Majesty and this Act shall be read together as One Act.

Recited Act and this Act to be as One.

SCHEDULES.

SCHEDULE A.

Form of Assessment by Metropolitan Board of Works.

An Assessment by the Metropolitan Board of Works in exercise of the Powers vested in such Board by the Act of the Nineteenth Year of Queen Victoria, for the better Local Management of the Metropolis, and by the other Acts for amending the same, upon the City of London and the other Parts of the Metropolis, for the "Metropolis Main Drainage Rate," of the Sums herein-after specified, such Sums being in the Judgment of the said Board equivalent to a Rate of Threepence in the Pound upon the annual Value of the Property in the said City and other Parts respectively, estimated according to the Estimate or Basis on which the County Rate is assessed, or according to a like Estimate:—

Parish, District, or Part.	Sums assessed.
	£
City of London - - - -	
Parish of St. Marylebone - -	

SCHEDULE B.

Form of Precept by Metropolitan Board of Works.

To the Vestry of the Parish of

By virtue of an Act passed in the Nineteenth Year of Queen Victoria, for the better Local Management of the Metropolis, and the several Acts amending the same, the Metropolitan Board of Works do issue this their Precept, under their Common Seal, to you the said Vestry, and do hereby require you to pay, on or before the Day of into the Bank of England, to the Credit of the Account standing in the Books of the Governor and Company of the said Bank in the Names of the same being Persons duly appointed by the Commissioners of Her Majesty's Treasury in this Behalf, the Sum of assessed by the said Board upon the said Parish for the "Metropolis Main Drainage Rate."

Dated this Day of

(L.S.)

CAP. CV.

An Act to amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in *Ireland*.

[2d *August* 1858.]

13 & 14 Vict. c. 2.

'WHEREAS by an Act passed in the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws concerning Judgments in* Ireland, it was enacted, that the Provisions therein-before recited of the Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty should not in anywise extend or be applicable to any Judgment entered up in any of Her Majesty's Superior Courts at *Dublin*, or obtained in any Inferior Court of Record, after the passing of the said Act, nor to any Decree, Order, or Rule made after the passing of the said Act, and no Writ of Elegit or Writ of Execution (save as therein-after mentioned) should issue or be sued upon any such Judgment, Decree, Order, or Rule, against any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, nor should any Lands, Tenements, or Hereditaments, or any Estate or Interest, be charged or affected by any such Judgment, Decree, Order, or Rule, save as provided by the said Act: And whereas it was thereby further enacted, that where any Judgment should be entered up after the passing of the said Act in any of Her Majesty's Superior Courts at *Dublin*, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the Superior Courts of Common Law is given by the said Act of the Fourth Year of Her Majesty, should be made, after the passing of the said Act, or any Judgment, Rule, or Order should be obtained or made in or by any Inferior Court of Record, after the passing of the said Act, and should, under the Provisions of the Act of the Fourth Year of Her Majesty, therein recited, be removed into One of Her Majesty's Superior Courts of Record at *Dublin*, and the Creditor under any such Judgment, Decree, Order, or Rule should know or believe that the Person against whom such Judgment, Decree, Order, or Rule to be entered up, obtained, or made is seised or possessed, at Law or in Equity, of any Lands, Tenements, or Hereditaments of any Nature or Tenure, or has any disposing Power over any such Lands, Tenements, or Hereditaments which he might without the Assent of any other Person exercise for his own Benefit, and that where any Judgment had been entered up before the passing of the Act hereby recited in any of Her Majesty's Superior Courts of *Dublin*, or any Decree or Order in any Court of Equity, Rule in any Court of Common Law, or Order in Bankruptcy or Lunacy, to which the Effect of a Judgment in One of the

'the Superior Courts of Common Law is given by the said Act 'of the Fourth Year of Her Majesty, had been made before 'the passing of the now recited Act, or any Judgment, Rule, 'or Order had been obtained or made in or by any Inferior 'Court of Record before the passing of the now recited Act, 'and had been or should be, under the Provisions of the said 'Act of the Fourth Year of Her Majesty, removed into One 'of Her Majesty's Superior Courts at *Dublin*, and the Creditor, 'under any such Judgment, Decree, Order, or Rule, should 'know or believe that the Person against whom such Judg-'ment, Decree, Order, or Rule might have been entered up, 'obtained, or made is seised or possessed as aforesaid over 'any Lands, Tenements, or Hereditaments which by virtue 'of the now recited Act are exempted from being taken in 'Execution under any Writ of Execution to be issued upon 'such Judgment, Decree, Order, or Rule, it should be lawful 'for such Creditor, at any Time, and from Time to Time, after 'the entering up or Removal of such Judgment in or into such 'Superior Court, or the making of such Decree, Order, or 'Rule, or the passing of the now recited Act, whichever should 'last happen, to make and file in the Superior Court in, by, 'or into which such Judgment, Rule, or Order might have 'been entered up, made, or removed, or in the Court of Equity 'by which such Decree or Order might have been made, or in 'case of such Order in Bankruptcy or Lunacy as aforesaid in 'the Court of Chancery in *Ireland*, an Affidavit stating the 'Name or Title of the Cause or Matter, and the Court in 'which such Judgment, Decree, Order, or Rule might have 'been entered up, obtained, or made, and the Date of such 'Judgment, Decree, Order, or Rule, and the Names, and the 'usual or last known Place of Abode, and the Title, Trade, 'or Profession of the Plaintiff (if there be such), and of the 'Defendant or Person whose Estate is intended to be affected 'by the Registration, as therein-after mentioned, of such Affi-'davit, and the Amount of the Debt, Damages, Costs, or 'Monies recovered or ordered to be paid by such Judgment, 'Decree, Order, or Rule, and stating that to the best of the 'Knowledge and Belief of the Deponent the Person against 'whom such Judgment, Decree, Order, or Rule might have 'been entered up, obtained, or made is at the Time of the 'swearing of such Affidavit so seised or possessed or has such 'disposing Power as aforesaid of or over such Lands, Tene-'ments, or Hereditaments, and that such Affidavit should 'specify the County and Barony, or the Town or County of 'a City and Parish, or the Town and Parish, in which the 'Lands to which the Affidavit relates are situate, and where 'such Lands lie in Two or more Counties or Baronies, or 'Parishes or Streets, or partly in one Barony, Parish, or 'Street, and partly in another, the same should be distinctly 'stated in such Affidavit; and that it should be lawful for 'the Creditor making such Affidavit to register the same in

'the Office for registering Deeds, Conveyances, and Wills in 'Ireland, by depositing in such Office an Office Copy of such 'Affidavit, and that such Copy should be numbered and tran- 'scribed, and be entered in the Book and Indexes kept in 'the said Office, in like Manner as if the same were a Memorial 'of a Deed; and for the Purpose of such Entries the Creditors 'under such Judgment, Decree, Order, or Rule should be 'deemed the Grantee, and the Debtor thereunder should be 'deemed the Grantor, and the Amount of the Debt, Damages, 'Costs, or Monies recovered or ordered to be paid thereby 'should be deemed the Consideration; and the like Fees should 'be paid on such Registration as in the Case of registering 'a Memorial of a Deed: And whereas it was thereby further 'enacted, that the Registration as aforesaid of such Affidavit 'should operate to transfer to and vest in the Creditor regis- 'tering such Affidavit all the Lands, Tenements, and Here- 'ditaments mentioned therein, for all the Estate and Interest 'of which the Debtor mentioned in such Affidavit should at 'the Time of such Registration be seised or possessed, at Law 'or in Equity, or might at such Time create, by virtue of any 'disposing Power which he might then without the Assent of 'any other Person exercise for his own Benefit, but subject 'to Redemption on Payment of the Money owing on the Judg- 'ment, Decree, Order, or Rule mentioned in such Affidavit; 'and that such Creditor, and all Persons claiming through or 'under him, should, in respect of such Lands, Tenements, and 'Hereditaments, or such Estate or Interest therein as afore- 'said, have all such Rights, Powers, and Remedies whatsoever 'as if an effectual Conveyance, Assignment, Appointment, 'or other Assurance to such Creditor of all such Estate or 'Interest, but subject to Redemption as aforesaid, had been 'made, executed, and registered at the Time of registering 'such Affidavit: And whereas for the Purposes of Registra- 'tion under the said recited Act a Form of Affidavit has 'been generally adopted which purports to verify on Oath 'the Seisin or Possession and the Description of the Lands 'to be affected by such Registration, in manner directed by 'the said recited Act, but in which the Name or Title of the 'Cause or Matter, and the Court in which such Judgment, 'Decree, Order, or Rule has been entered up, obtained, or 'made, and the Date of such Judgment, Decree, Order, or 'Rule, and the Names, and the usual or last known Place of 'Abode, and the Title, Trade, or Profession of the Plaintiff '(if there be such), and of the Defendant or Person whose 'Estate is intended to be affected by the Registration of such 'Affidavit, and the Amount of the Debt, Damages, Costs, 'or Monies recovered or ordered to be paid by such Judgment, 'Decree, Order, or Rule, or some One or more of such Facts, 'appear or have been stated, recited, or referred to on the Face 'of such Affidavit, without being covered by a Verification 'on Oath: And whereas the Validity of Registration upon

'Affidavits

'Affidavits in such Form has been questioned: And whereas 'the Omission to verify such Facts upon Oath has been 'general, and, unless some legislative Remedy be applied to 'such Cases, might lead to Confusion and Injustice if such 'Objections should be ultimately decided as valid: And 'whereas all Persons who have searched the said Registry 'must have had full Notice of such Facts, so far as same 'have been truly stated:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Creditor to file supplemental Affidavit as to certain Matters.

I. That wherever it shall appear that any of such Facts appear or have been so stated, recited, or referred to on the Document so registered as an Affidavit under the said recited Act before the passing of this Act, but are not included in or under the Verification on Oath therein contained, it shall and may be lawful for the Creditor under any such Judgment, Decree, Order, or Rule, or for any Person entitled, whether legally or equitably, to the Sum payable in respect of the same, or any Part thereof, or for any Person who would then be entitled to register an Affidavit of such Judgment, Decree, Order, or Rule so theretofore sought to be registered as aforesaid, on or before the First Day of *July* One thousand eight hundred and fifty-nine, to make and file, in addition to the original Affidavit in the Court in which such original Affidavit shall have been filed, a supplemental Affidavit verifying any such Fact or Facts so theretofore stated, recited, or referred to as aforesaid: Provided that in every supplemental Affidavit the Description and Residence or last known Place of Abode of the Defendant or Defendants as then known or existing shall be stated, and such Statement shall be deemed and taken as if the Description and Abode of the Defendant or Defendants had been verified in the original Affidavit to which such new Affidavit shall be supplemental, and to cause an Office Copy of such supplemental Affidavit to be attached to the Copy of the original Affidavit so previously deposited in reference to the same Judgment, Decree, Order, or Rule, which the Officer of the said Registry is hereby authorized and directed to do, on being paid the like Fees or Stamp Duty as are payable on the Registration of an Affidavit under the said recited Act; and such supplemental Affidavit, when so registered, shall have the like Operation and Effect as if the Facts so verified by same had been verified on Oath in such original Affidavit filed in respect of the same Judgment, Decree, Order, or Rule: Provided always, that nothing in this Act contained shall prejudice the Right or Title of any Person who shall previously to the passing thereof have obtained the Decision of any of Her Majesty's Superior Courts of Law at *Dublin* as to the Sufficiency or Validity of the Registration or the Priority of any Judgment, Decree, Order, or Rule already registered; but every

Effect of supplemental Affidavit.

every such Judgment already registered shall entitle the Person by whom such Decision has been obtained, his Executors, Administrators, and Assigns, to the same Rights and Benefits to which he would have been entitled if this Act had not passed; so, nevertheless, that no Person claiming the Benefit of this Proviso shall be entitled to avail himself of this Act or the Powers hereby given for the Purpose of supplying any Defect in the Registration of such Judgment.

Defect in Affidavit not to invalidate Titles under Judicial Sales.

II. No Title to Lands purchased under a Judicial Sale thereof heretofore made, in any Cause or Matter at the Suit of any Person or Persons, in respect of a Judgment, Decree, Order, or Rule, shall be impeached or affected by reason of such Defect as aforesaid in the Form of Affidavit founded on such Judgment, Decree, Order, or Rule, and registered in manner aforesaid, and no supplemental Affidavit shall be necessary to render the Registration thereof valid; provided that nothing herein contained shall operate to give Validity to any Registration under the said recited Act, where the original Affidavit filed for such Purpose shall have omitted to verify the Fact of the Seisin or Possession, or the Description of the Lands against which the Registration was intended to operate, in the Manner directed by the said recited Act; and provided also, that nothing herein contained shall affect the Validity of any Payment in full or Part Discharge of any such Judgment, Decree, Order, or Rule heretofore made.

Supplemental Affidavit not to supply or cure Omissions.

No Payment to be invalid for Defect

Affidavits to be made by Agents, &c.

III. In the Construction of the said recited Act and this Act, the Word "Creditor" shall mean and include any Number of Persons jointly interested as Creditors in relation to such Judgment, Decree, Rule, or Order, and shall also mean and include all Joint Stock Banking and other Companies and Corporate Bodies; and every Affidavit or Oath necessary to be made by any Creditor may be made by any One or more of such Persons so jointly interested, the public Officer authorized to sue or be sued or to make Oaths on behalf of such Joint Stock Company, or by the Secretary, Deputy Secretary, or Law Agent of any Corporate Body; and in any Affidavit made or to be made by any such Public Officer, Secretary, Deputy Secretary, or Law Agent, a Description of the Town or Place where the Business or principal Office of such Joint Stock Company or Corporate Body is carried on or situated shall be deemed to be a sufficient Description of the usual Place of Abode of the Deponent, within the Meaning of the said recited Act; and where by the said recited Act or this Act any Creditor by Judgment, Decree, or Order is authorized to file an Affidavit or supplemental Affidavit as aforesaid, and where, from the Absence of such Creditor or other reasonable Cause, such Affidavit cannot be made by such Creditor, it may be made by such Person as the Court shall direct.

Registration not invalid though Affi-

IV. No Registration of any Judgment shall be deemed invalid by reason of the Affidavit directed by the said first-recited Act

Act or this Act being or having been made by One only of several Conusees.

davit be made by only One Conusee.

V. 'And whereas by the Ninth Section of the said recited 'Act of the Thirteenth and Fourteenth Years of the Reign 'of Her present Majesty it was enacted, that, upon the Lodg- 'ment in the Office for registering Deeds, Conveyances, and 'Wills therein mentioned of the Certificate of the Entry of 'Satisfaction upon the Roll of any Judgment, or the Certificate 'of any Decree, Rule, or Order having been performed, com- 'plied with, or satisfied, the Registrar of the said Office should, 'where an Affidavit had been registered under the said Act in 'respect of such Judgment, Decree, Rule, or Order, cause a 'Memorandum of Satisfaction thereof to be subscribed to the 'Entry of such Affidavit in the Books kept at the said Office, 'but no Provision was therein made for revesting the legal 'Estate in the Lands, Tenements, and Hereditaments in the 'said Affidavit mentioned, in the Debtor in the said Act men- 'tioned, and consequently such legal Estate remains still out- 'standing in the Creditor in the said Act mentioned, although 'the Debt due to him shall have been fully paid off:' Be it enacted, That when and so soon as such Subscription of a Memorandum of Satisfaction of any Judgment shall be so made to the Entry of any Affidavit which shall have been registered in manner authorized by said Ninth Section of said recited Act, such Registration shall thereupon be deemed and taken as null and void and otherwise as if no such Registration had been effected; and the legal or other Estate in the Lands affected by such Registration shall without any further Deed, Conveyance, or Assurance be and thereby become vested in the Person or Persons in whom such legal or other Estate would have been then vested if no such Registration had been theretofore effected.

Subscription by Registrar of Memorandum of Satisfaction of Judgment to operate as a Retransfer to the Debtor.

CAP. CVI.

An Act for the better Government of *India*.

[2d *August* 1858.]

'WHEREAS by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter 'Ninety-five, "to provide for the Government of *India*," the 'Territories in the Possession and under the Government of 'the *East India* Company were continued under such Govern- 'ment, in trust for Her Majesty, until Parliament should 'otherwise provide, subject to the Provisions of that Act and 'of other Acts of Parliament, and the Property and Rights in 'the said Act referred to are held by the said Company in 'trust for Her Majesty for the Purposes of the said Govern- 'ment: And whereas it is expedient that the said Territories 'should be governed by and in the Name of Her Majesty:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

16 & 17 Vict. c. 95.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Transfer of the Government of India to Her Majesty.

Territories under the Government of the East India Company to be vested in Her Majesty, and Powers to be exercised in Her Name.

I. The Government of the Territories now in the Possession or under the Government of the *East India* Company, and all Powers in relation to Government vested in or exercised by the said Company in trust for Her Majesty, shall cease to be vested in or exercised by the said Company, and all Territories in the Possession or under the Government of the said Company, and all Rights vested in or which if this Act had not been passed might have been exercised by the said Company in relation to any Territories, shall become vested in Her Majesty, and be exercised in Her Name; and for the Purposes of this Act *India* shall mean the Territories vested in Her Majesty as aforesaid, and all Territories which may become vested in Her Majesty by virtue of any such Rights as aforesaid.

India to be governed by and in the Name of Her Majesty.

II. *India* shall be governed by and in the Name of Her Majesty, and all Rights in relation to any Territories which might have been exercised by the said Company if this Act had not been passed shall and may be exercised by and in the Name of Her Majesty as Rights incidental to the Government of *India;* and all the Territorial and other Revenues of or arising in *India,* and all Tributes and other Payments in respect of any Territories which would have been receivable by or in the Name of the said Company if this Act had not been passed, shall be received for and in the Name of Her Majesty, and shall be applied and disposed of for the Purposes of the Government of *India* alone, subject to the Provisions of this Act.

Secretary of State to exercise Powers now exercised by the Company or Board of Control.

III. Save as herein otherwise provided, One of Her Majesty's Principal Secretaries of State shall have and perform all such or the like Powers and Duties in anywise relating to the Government or Revenues of *India,* and all such or the like Powers over all Officers appointed or continued under this Act, as might or should have been exercised or performed by the *East India* Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the Direction or with the Sanction or Approbation of the Commissioners for the Affairs of *India* in relation to such Government or Revenues, and the Officers and Servants of the said Company respectively, and also all such Powers as might have been exercised by the said Commissioners alone; and any Warrant or Writing under Her Majesty's Royal Sign Manual, which by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, or otherwise, is required to be countersigned by the President of the Commissioners for the Affairs of *India,* shall in lieu of being so countersigned be countersigned by One of Her Majesty's Principal Secretaries of State.

As to Warrants, &c. required to be countersigned by 17 & 18 Vict. c. 77.

Four Principal and Four Under Secretaries of

IV. After the Commencement of this Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any

any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time.

State may sit as Members in the House of Commons.

V. In case the Person who immediately before the Commencement of this Act is the President of the Commissioners for the Affairs of *India* be appointed, upon or within One Month after the Commencement of this Act, One of Her Majesty's Principal Secretaries of State, and be at the Time of such Appointment a Member of the House of Commons, he shall not by reason of such Appointment vacate his Seat in Parliament.

If President of Board of Control is appointed Secretary of State, his Seat in H.C. not to be vacated.

VI. In case Her Majesty be pleased to appoint a Fifth Principal Secretary of State, there shall be paid out of the Revenues of *India* to such Principal Secretary of State and to his Under Secretaries respectively the like yearly Salaries as may for the Time being be paid to any other of such Secretaries of State and his Under Secretaries respectively.

Salaries of One Secretary of State and his Under Secretaries to be paid out of the Revenue of India.

Council of India.

VII. For the Purposes of this Act a Council shall be established, to consist of Fifteen Members, and to be styled the Council of *India;* and henceforth the Council in *India* now bearing that Name shall be styled the Council of the Governor General of *India.*

Council of India established.

VIII. Within Fourteen Days after the passing of this Act the Court of Directors of the *East India* Company shall, from among the Persons then being Directors of the said Company or having been theretofore such Directors, elect Seven Persons to be with the Persons to be appointed by Her Majesty as herein-after mentioned the First Members of the Council under this Act, and the Names of the Persons so elected by the Court of Directors shall be forthwith, after such Election, certified to the Board of Commissioners for the Affairs of *India,* under the Seal of the said Company, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the passing of this Act, to appoint to be Members of such Council Eight Persons: Provided always, that if the Court of Directors of the *East India* Company shall refuse or shall for such Fourteen Days neglect to make such Election of such Seven Persons, and to certify the Names of such Persons as aforesaid, it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, within Thirty Days after the Expiration of such Fourteen Days, to appoint from among the said Directors Seven Persons to make up the full Number of the said Council: Provided also, that if any Person being or having been such Director, and elected or appointed as aforesaid, shall refuse to accept the Office, it shall be lawful

First Members of the Council.

lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint in the Place of every Person so refusing some other Person to be a Member of the Council, but so that Nine Members of the Council at the least shall be Persons qualified as herein-after mentioned.

Vacancies in the Council how to be filled up.

IX. Every Vacancy happening from Time to Time among the Members of the Council appointed by Her Majesty, not being Members so appointed by reason of the Refusal or Neglect of the Court of Directors or the Refusal to accept Office herein-before mentioned, shall be filled up by Her Majesty, by Warrant under Her Royal Sign Manual, and every other Vacancy shall be filled up by the Council by Election made at a Meeting to be held for that Purpose.

The major Part of the Council, with certain Exceptions, to be Persons who shall have served or resided Ten Years in India.

X. The major Part of the Persons to be elected by the Court of Directors, and the major Part of the Persons to be first appointed by Her Majesty after the passing of this Act to be Members of the Council, shall be Persons who shall have served or resided in *India* for Ten Years at the least, and (excepting in the Case of late and present Directors and Officers on the Home Establishment of the *East India* Company who shall have so served or resided) shall not have last left *India* more than Ten Years next preceding the Date of their Appointment; and no Person other than a Person so qualified shall be appointed or elected to fill any Vacancy in the Council unless at the Time of the Appointment or Election Nine at the least of the continuing Members of the Council be Persons qualified as aforesaid.

Tenure of Office of Members of the Council.

XI. Every Member of the Council appointed or elected under this Act shall hold his Office during good Behaviour; provided that it shall be lawful for Her Majesty to remove any such Member from his Office upon an Address of both Houses of Parliament.

Members of Council not to sit in Parliament.

XII. No Member of the Council appointed or elected under this Act shall be capable of sitting or voting in Parliament.

Salaries of Members of Council.

XIII. There shall be paid to each Member of the Council the yearly Salary of One thousand two hundred Pounds, out of the Revenues of *India*.

As to Retiring Pensions, &c.

XIV. Any Member of the Council may, by Writing under his Hand, which shall be recorded in the Minutes of the Council, resign his Office, and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Person who, having held the Office of Member of the Council for the Period of Ten Years or upwards, shall so resign by reason of Infirmity disabling him from a due Execution of the Duties of the Office, a Retiring Pension during Life of Five hundred Pounds: Provided, that if at any Time hereafter it should appear to Parliament expedient to reduce the Number or otherwise deal with the Constitution of the said Council, no Member of Council who has not served in his Office for a Period of Ten Years shall be entitled to claim any Compensation for the Loss of his Office,

Office, or for any Alteration in the Terms and Conditions under which the same is held.

Secretaries and Officers on the Home Establishment of Company to form the Establishment of the Secretary of State in Council.

XV. The Secretaries and other Officers and Servants on the Home Establishment of the said Company, and on the Establishment of the Commissioners for the Affairs of *India,* immediately before the Commencement of this Act, shall on such Commencement be and form the Establishment of the Secretary of State in Council; and the Secretary of State shall with all convenient Speed make such Arrangement of the said Establishments, and such Reductions therein, as may seem to him consistent with the due Conduct of the Public Business, and shall within Six Months after the Commencement of this Act submit a Scheme for the permanent Establishment to Her Majesty in Council; and it shall be lawful for Her Majesty by the Advice of Her Privy Council, upon Consideration of such Scheme, to fix and declare what shall constitute and be the Establishment of the Secretary of State in Council, and what Salaries shall be paid to the Persons on the Establishment, and the Order of Her Majesty in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, provided Parliament be then sitting, or otherwise within Fourteen Days after the next Meeting thereof; and after such Establishment has been formed by such Order in Council no Addition of Persons shall be made to such Establishment, nor any Addition made to the Salaries authorized by such Order, except by a similar Order in Council, to be laid in like Manner before both Houses of Parliament.

Secretary of State to submit a Scheme for a permanent Establishment.

As to Removal of Officers and Supply of Vacancies after First Formation of Establishment.

XVI. After the First Formation of the Establishment, it shall be lawful for the Secretary of State in Council to remove any Officer or Servant belonging thereto, and also to make all Appointments and Promotions to and in such Establishment; provided that the Order of Her Majesty in Council of the Twenty-first Day of *May* One thousand eight hundred and fifty-five, or such other Regulations as may be from Time to Time established by Her Majesty for Examinations, Certificates, Probation, or other Tests of Fitness, in relation to Appointments to junior Situations in the Civil Service, shall apply to such Appointments on the said Establishment.

Compensations to Officers on Home Establishment of the Company and of Board of Control not retained on new Establishment.

XVII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to grant to any Secretary, Officer, or Servant on the Home Establishment of the said Company, or on the Establishment of the said Commissioners, who in consequence of such Reduction as aforesaid by the Secretary of State or under such Order in Council is not retained on the Establishment of the Secretary of State in Council, any Compensation, either by way of a gross or annual Payment, as, having regard to the Circumstances, may seem just.

As to Superannuation to Officers.

XVIII. It shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any such Secretary, Officer, or Servant as aforesaid, retained on such last-mentioned Establishment,

Establishment, such Compensation, Superannuation, or Retiring Allowance on his ceasing to hold Office as might have been granted to him if this Act had not been passed, and the Transfer of any Person to the Service of the Secretary of State in Council shall be deemed to be a Continuance of his previous Appointment or Employment, and shall not prejudice any Claims which he might have had in respect of Length of Service if his Service under the said Company or Commissioners had continued; and it shall be lawful for Her Majesty, by Warrant countersigned as aforesaid, to grant to any Secretary, Officer, or Servant appointed on the said Establishment after the First Formation thereof such Compensation, Superannuation, or Retiring Allowance as, under the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, or any other Act for the Time being in force concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service, may be granted to Persons appointed on the Establishment of One of Her Majesty's Principal Secretaries of State.

Duties and Procedure of the Council.

Duties of the Council.

XIX. The Council shall, under the Direction of the Secretary of State, and subject to the Provisions of this Act, conduct the Business transacted in the United Kingdom in relation to the Government of *India* and the Correspondence with *India*, but every Order or Communication sent to *India* shall be signed by One of the Principal Secretaries of State; and, save as expressly provided by this Act, every Order in the United Kingdom in relation to the Government of *India* under this Act shall be signed by such Secretary of State; and all Despatches from Governments and Presidencies in *India*, and other Despatches from *India*, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

Secretary of State to divide the Council into Committees, and to regulate the Transaction of Business.

XX. It shall be lawful for the Secretary of State to divide the Council into Committees for the more convenient Transaction of Business, and from Time to Time to re-arrange such Committees, and to direct what Departments of the Business in relation to the Government of *India* under this Act shall be under such Committees respectively, and generally to direct the Manner in which all such Business shall be transacted.

President and Vice-President.

XXI. The Secretary of State shall be the President of the Council, with Power to vote, and it shall be lawful for such Secretary of State in Council to appoint from Time to Time any Member of such Council to be Vice-President thereof, and any such Vice-President may at any Time be removed by the Secretary of State.

Meetings of the Council.

XXII. All Powers by this Act required to be exercised by the Secretary of State in Council, and all Powers of the Council, shall and may be exercised at Meetings of such Council,

Council, at which not less than Five Members shall be present, and at every Meeting the Secretary of State, or in his Absence the Vice-President, if present, shall preside, and in the Absence of the Secretary of State and Vice-President, One of the Members of the Council present shall be chosen by the Members present to preside at the Meeting; and such Council may act notwithstanding any Vacancy therein: Meetings of the Council shall be convened and held when and as the Secretary of State shall from Time to Time direct; provided that One such Meeting at least be held in every Week.

Procedure at Meetings.

XXIII. At any Meeting of the Council at which the Secretary of State is present, if there be a Difference of Opinion on any Question other than the Question of the Election of a Member of Council, or other than any Question with regard to which a Majority of the Votes at a Meeting is herein-after declared to be necessary, the Determination of the Secretary of State shall be final; and in case of an Equality of Votes at any Meeting of the Council, the Secretary of State, if present, and in his Absence the Vice-President, or presiding Member, shall have a casting Vote; and all Acts done at any Meeting of the Council in the Absence of the Secretary of State, except the Election of a Member of the Council, shall require the Sanction or Approval in Writing of the Secretary of State; and in case of Difference of Opinion on any Question decided at any Meeting, the Secretary of State may require that his Opinion, and the Reasons for the same, be entered in the Minutes of the Proceedings, and any Member of the Council who may have been present at the Meeting may require that his Opinion, and any Reasons for the same that he may have stated at the Meeting, be entered in like Manner.

Orders, &c. to be open to the Perusal of Members of Council, who may record their Opinions.

XXIV. Every Order or Communication proposed to be sent to *India*, and every Order proposed to be made in the United Kingdom by the Secretary of State, under this Act, shall, unless the same has been submitted to a Meeting of the Council, be placed in the Council Room for the Perusal of all Members of the Council during Seven Days before the sending or making thereof, except in the Cases herein-after provided; and it shall be lawful for any Member of the Council to record in a Minute Book, to be kept for that Purpose, his Opinion with respect to each such Order or Communication, and a Copy of every Opinion so recorded shall be sent forthwith to the Secretary of State.

Secretary of State acting against the Majority to record his Reasons.

XXV. If a Majority of the Council record as aforesaid their Opinions against any Act proposed to be done, the Secretary of State shall, if he do not defer to the Opinions of the Majority, record his Reasons for acting in opposition thereto.

Provision for Cases of Urgency.

XXVI. Provided, That where it appears to the Secretary of State that the Despatch of any Communication, or the making of any Order, not being an Order for which a Majority of the

the Votes at a Meeting is hereby made necessary, is urgently required, the Communication may be sent or Order given notwithstanding the same may not have been submitted to a Meeting of the Council or deposited for Seven Days as aforesaid, the urgent Reasons for sending or making the same being recorded by the Secretary of State, and Notice thereof being given to every Member of the Council, except in the Cases herein-after mentioned.

Orders now sent through Secret Committee may be sent by Secretary of State without Communication with the Council.

XXVII. Provided also, That any Order, not being an Order for which a Majority of Votes at a Meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of *India* through the Secret Committee of the Court of Directors to Governments or Presidencies in *India*, or to the Officers or Servants of the said Company, may, after the Commencement of this Act, be sent to such Governments or Presidencies, or to any Officer or Servant in *India*, by the Secretary of State, without having been submitted to a Meeting or deposited for the Perusal of the Members of the Council, and without the Reasons being recorded or Notice thereof given as aforesaid.

As to Communication of Secret Despatches from India.

XXVIII. Any Despatches to *Great Britain* which might if this Act had not been passed have been addressed to the Secret Committee of the Court of Directors, may be marked "Secret" by the Authorities sending the same, and such Despatches shall not be communicated to the Members of the Council, unless the Secretary of State shall so think fit and direct.

Appointments and Patronage.

Appointments to be made by or with the Approbation of Her Majesty.

XXIX. The Appointments of Governor General of *India*, Fourth Ordinary Member of the Council of the Governor General of *India*, and Governors of Presidencies in *India*, now made by the Court of Directors with the Approbation of Her Majesty, and the Appointments of Advocate General for the several Presidencies now made with the Approbation of the Commissioners for the Affairs of *India*, shall be made by Her Majesty by Warrant under Her Royal Sign Manual; the Appointments of the Ordinary Members of the Council of the Governor General of *India*, except the Fourth Ordinary Member, and the Appointments of the Members of Council of the several Presidencies, shall be made by the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting; the Appointments of the Lieutenant Governors of Provinces or Territories shall be made by the Governor General of *India*, subject to the Approbation of Her Majesty; and all such Appointments shall be subject to the Qualifications now by Law affecting such Offices respectively.

Appointments now made in India to continue to be made there.

XXX. All Appointments to Offices, Commands, and Employments in *India*, and all Promotions, which by Law, or under any Regulations, Usage, or Custom, are now made by any

any Authority in *India*, shall continue to be made in *India* by the like Authority, and subject to the Qualifications, Conditions, and Restrictions now affecting such Appointments respectively; but the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting, shall have the like Power to make Regulations for the Division and Distribution of Patronage and Power of Nomination among the several Authorities in *India*, and the like Power of restoring to their Stations, Offices, or Employments, Officers and Servants suspended or removed by any Authority in *India* as might have been exercised by the said Court of Directors, with the Approbation of the Commissioners for the Affairs of *India*, if this Act had not been passed.

Certain Sections of 16 & 17 Vict. c. 95. as to Appointment, &c. to Civil Service repealed.

XXXI. Sections Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-one, and Forty-two of the Act of the Sixteenth and Seventeenth *Victoria*, Chapter Ninety-five, are hereby repealed, so far as the same apply to or provide for the Admission or Appointment of Persons to the Civil Service of the *East India* Company.

Secretary of State in Council to make Regulations for the Admission of Candidates to the Civil Service of India.

XXXII. With all convenient Speed after the passing of this Act, Regulations shall be made by the Secretary of State in Council, with the Advice and Assistance of the Commissioners for the Time being acting in execution of Her Majesty's Order in Council of Twenty-first *May* One thousand eight hundred and fifty-five, "for regulating the Admission of Persons "to the Civil Service of the Crown," for admitting all Persons being natural-born Subjects of Her Majesty (and of such Age and Qualification as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Appointment to the Civil Service of *India* to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations under the Superintendence of the said last-mentioned Commissioners, or of the Persons for the Time being intrusted with the carrying out of such Regulations as may be from Time to Time established by Her Majesty for Examination, Certificate, or other Test of Fitness in relation to Appointments to junior Situations in the Civil Service of the Crown, and the Candidates who may be certified by the said Commissioners or other Persons as aforesaid to be entitled under such Regulations shall be recommended for Appointment according to the Order of their Proficiency as shown by such Examinations, and such Persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of *India* by the Secretary of State in Council: Provided always, that all Regulations to be made by the said Secretary of State in Council under this Act shall be laid before Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and, if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

Regulations made by Secretary of State to be laid before Parliament.

XXXIII. All

Other Appointments and Admissions to Service vested in Her Majesty.

XXXIII. All Appointments to Cadetships, Naval and Military, and all Admissions to Service not herein otherwise expressly provided for, shall be vested in Her Majesty; and the Names of Persons to be from Time to Time recommended for such Cadetships and Service shall be submitted to Her Majesty by the Secretary of State.

Regulations to be made for admitting Persons to be examined for Cadetships in Engineers and Artillery.

XXXIV. With all convenient Speed after the Commencement of this Act, Regulations shall be made for admitting any Persons being natural-born Subjects of Her Majesty (and of such Age and Qualifications as may be prescribed in this Behalf) who may be desirous of becoming Candidates for Cadetships in the Engineers and in the Artillery, to be examined as Candidates accordingly, and for prescribing the Branches of Knowledge in which such Candidates shall be examined, and generally for regulating and conducting such Examinations.

Not less than One Tenth of Persons recommended for Military Cadetships to be Sons of Persons who have served in India.

XXXV. Not less than One Tenth of the whole Number of Persons to be recommended in any Year for Military Cadetships (other than Cadetships in the Engineers and Artillery) shall be selected according to such Regulations as the Secretary of State in Council may from Time to Time make in this Behalf from among the Sons of Persons who have served in *India* in the Military or Civil Services of Her Majesty, or of the *East India* Company.

Nominations for Cadetships to be made by Secretary of State and Members of Council.

XXXVI. Except as aforesaid, all Persons to be recommended for Military Cadetships shall be nominated by the Secretary of State and Members of Council, so that out of Seventeen Nominations the Secretary of State shall have Two and each Member of Council shall have One; but no Person so nominated shall be recommended unless the Nomination be approved of by the Secretary of State in Council.

Regulations as to Appointments and Admissions to Service.

XXXVII. Save as herein-before provided, all Powers of making Regulations in relation to Appointments and Admissions to Service and other Matters connected therewith, and of altering or revoking such Regulations, which if this Act had not been passed might have been exercised by the Court of Directors or Commissioners for the Affairs of *India*, may be exercised by the Secretary of State in Council, and all Regulations in force at the Time of the Commencement of this Act in relation to the Matters aforesaid shall remain in force, subject nevertheless to Alteration or Revocation by the Secretary of State in Council as aforesaid.

As to Removal of Officers by Her Majesty.

XXXVIII. Any Writing under the Royal Sign Manual, removing or dismissing any Person holding any Office, Employment, or Commission, Civil or Military, in *India*, of which, if this Act had not been passed, a Copy would have been required to be transmitted or delivered within Eight Days after being signed by Her Majesty to the Chairman or Deputy Chairman of the Court of Directors, shall, in lieu thereof, be communicated within the Time aforesaid to the Secretary of State in Council.

Transfer

Transfer of Property.

XXXIX. All Lands and Hereditaments, Monies, Stores, Goods, Chattels, and other Real and Personal Estate of the said Company, subject to the Debts and Liabilities affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and all other Emoluments which the said Company shall be seised or possessed of, or entitled to at the Time of the Commencement of this Act, except the Capital Stock of the said Company and the Dividend thereon, shall become vested in Her Majesty, to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of *India*.

Real and Personal Property of the Company to vest in Her Majesty for the Purposes of the Government of India.

XL. The Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall have full Power to sell and dispose of all Real and Personal Estate whatsoever for the Time being vested in Her Majesty under this Act, as may be thought fit, or to raise Money on any such Real Estate by way of Mortgage, and make the proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interests therein, Stores, Goods, Chattels, and other Property, and to enter into any Contracts whatsoever, as may be thought fit, for the Purposes of this Act; and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*; and any Conveyance or Assurance of or concerning any Real Estate to be made by the Authority of the Secretary of State in Council may be made under the Hands and Seals of Three Members of the Council.

Powers of Sale and Purchase, and to enter into Contracts, vested in Secretary of State in Council.

Revenues.

XLI. The Expenditure of the Revenues of *India*, both in *India* and elsewhere, shall be subject to the Control of the Secretary of State in Council, and no Grant or Appropriation of any Part of such Revenues, or of any other Property coming into the Possession of the Secretary of State in Council by virtue of this Act, shall be made without the Concurrence of a Majority of Votes at a Meeting of the Council.

Expenditure of Revenues of India subject to Control of Secretary of State in Council.

XLII. The Dividend on the Capital Stock of the said Company secured by the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, until the Redemption thereof, and all the Bond, Debenture, and other Debt of the said Company in *Great Britain*, and all the Territorial Debt and all other Debts of the said Company, and all Sums of Money, Costs, Charges, and Expenses, which if this Act had not been passed would after the Time appointed for the Commencement thereof have been payable by the said Company out of the Revenues of *India*, in respect or by reason of any Treaties, Covenants, Contracts, Grants, or Liabilities then existing, and all Expenses, Debts, and Liabilities which after the Commencement of this Act shall be lawfully contracted

Dividend on the Stock of the Company, and existing and future Debts, Liabilities, and Expenses, to be charged on Revenues of India.

tracted and incurred on account of the Government of *India*, and all Payments under this Act, shall be charged and chargeable upon the Revenues of *India* alone, as the same would have been if this Act had not been passed, and such Expenses, Debts, Liabilities, and Payments as last aforesaid had been Expenses, Debts, and Liabilities lawfully contracted and incurred by the said Company, and such Revenues shall not be applied to any other Purpose whatsoever; and all other Monies vested in or arising or accruing from Property or Rights vested in Her Majesty under this Act, or to be received or disposed of by the Council under this Act, shall be applied in aid of such Revenues: Provided always, that nothing herein contained shall lessen or prejudicially affect any Security to which the said Company, or any Proprietor or Creditor thereof, now is or may be entitled upon the Fund called "The Security Fund of the *India* Company," and mentioned in the Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, Chapter Eighty-five, Section Fourteen.

Revenues remitted to Great Britain, and Monies arising in Great Britain, to be paid to Secretary of State in Council.

XLIII. Such Part of the Revenues of *India* as shall be from Time to Time remitted to *Great Britain*, and all Monies of the said Company in their Treasury or under the Care of their Cashier, and all other Monies in *Great Britain* of the said Company, or which would have been received by them in *Great Britain* if this Act had not been passed, and all Monies arising or accruing in *Great Britain* from any Property or Rights vested in Her Majesty by this Act, or from the Sale or Disposition thereof, shall be paid to the Secretary of State in Council, to be applied for the Purposes of this Act; and all such Monies, except as herein-after otherwise provided, shall be paid into the Bank of *England*, to the Credit of an Account to be opened by the Governor and Company of the Bank of *England*, to be intituled "The Account of the Secretary of State in Council of *India*;" and all Monies to be placed to the Credit of such Account under this Act shall be paid out upon Drafts or Orders signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and such Account shall be a public Account: Provided always, that the Secretary of State in Council may cause to be kept, from Time to Time, under the Care of their Cashier, in an Account to be kept at the Bank of *England*, such Sum or Sums of Money as they may deem necessary for the Payments now made out of Money under the Care of the Cashier of the said Company.

Cash Balance at the Bank transferred to Secretary of State in Council.

XLIV. Such Amount of Money as at the Time of the Commencement of this Act may be standing to the Credit of the *East India* Company at the Bank of *England* shall be transferred by the Governor and Company of the Bank of *England* to the Credit of the Account to be opened in the Name of the Secretary of State in Council as aforesaid.

Stock Account to be opened at the Bank.

XLV. There shall be raised in the Books of the Governor and Company of the Bank of *England* such Accounts as may be

be necessary in respect of any Stock or Stocks of Government Annuities, and all such Accounts respectively shall be intituled "The Stock Account of the Secretary of State in Council of *India*," and every such Account shall be a public Account.

Stock standing in the Name of the Company transferred.

XLVI. Such Government Stock or Stocks as at the Time of the Commencement of this Act may be standing in the Name of the *East India* Company in the Books of the said Governor and Company shall be transferred by the Chief Cashier or the Chief Accountant of the said Governor and Company to the proper Account or Accounts to be raised as aforesaid.

Power to grant Letter of Attorney for Sale, &c of Stock and Receipt of Dividends.

XLVII. The Secretary of State in Council, by Letter of Attorney, executed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, may authorize all or any of the Cashiers of the Bank of *England* to sell and transfer all or any Part of the Stock or Stocks standing or that may thereafter stand in the Books of the said Bank to the several Accounts of the Secretary of State in Council, and to purchase and accept Stock on the said Accounts, and to receive the Dividends due and to become due on the several Stocks standing or that may thereafter stand on the said Accounts, and by any Writing signed by Three Members of the Council, and countersigned as aforesaid, may direct the Application of the Monies to be received in respect of such Sales and Dividends, but no Stock shall be purchased or sold and transferred by any of the said Cashiers under the Authority of such General Letter of Attorney, except upon an Order in Writing directed to the said Chief Cashier and Chief Accountant from Time to Time, and duly signed and countersigned as aforesaid.

Provision as to Exchequer Bills, Bonds, and other Securities.

XLVIII. All Exchequer Bills, Exchequer Bonds, or other Government Securities, or other Securities, of whatsoever Kind, not herein-before referred to, which shall be held by the Governor and Company of the Bank of *England* in trust for or on account of the *East India* Company at the Time of the Commencement of this Act, shall thenceforward be held by the said Governor and Company in trust for and on account of the Secretary of State in Council; and all such Securities as aforesaid, and all such Securities as may thereafter be lodged with the said Governor and Company by or on behalf of the Secretary of State in Council, shall and may be disposed of and the Proceeds thereof applied as may be authorized by Order in Writing signed by Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries, and directed to the said Chief Cashier and Chief Accountant.

Powers of borrowing vested in the Company transferred to Secretary of State in Council.

XLIX. All Powers of issuing Bonds, Debentures, and other Securities for Money in *Great Britain* which, if this Act had not been passed, might have been exercised by the said Company, or the Court of Directors, under the Direction and Control of the Commissioners for the Affairs of *India*, or

 otherwise,

otherwise, shall and may be exercised by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting; and such Securities as might have been issued under the Seal of the said Company shall be issued under the Hands of Three Members of the Council, and countersigned by the Secretary of State or One of his Under Secretaries.

Provisions relating to Forgery extended to Bonds, &c. issued by Secretary of State.

L. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Bond, Debenture, or Security issued by the Secretary of State in Council of *India* under the Authority of this Act.

Present System of issuing Warrants for Payments to be continued.

LI. The Regulations and Practice now acted on by the Court of Directors on the Issue of Warrants or Authorities for the Payment of Money shall be maintained and acted on by the Secretary of State in Council of *India* under this Act until the same be altered by the Authority of Her Majesty in Council: Provided, that where a Warrant or Authority for the Payment of Money passes through the Audit Department at the *East India House* before Payment, it shall be countersigned by such Officer or Officers of that Audit Department as the Secretary of State in Council may direct before Payment shall be made; and that Warrants or Authorities which have heretofore been signed by Two Directors of the *East India* Company shall, after the Commencement of this Act, be signed by Three Members of the Council of *India*.

As to the Audit of Accounts in Great Britain.

LII. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, to appoint from Time to Time a fit Person to be Auditor of the Accounts of the Secretary of State in Council, and to authorize such Auditor to appoint and remove from Time to Time such Assistants as may be specified in such Warrant; and every such Auditor shall hold Office during good Behaviour; and there shall be paid to such Auditor and Assistants out of the Revenues of *India* such respective Salaries as Her Majesty, by Warrant as aforesaid countersigned as aforesaid, may direct; and such Auditor shall examine and audit the Accounts of the Receipt, Expenditure, and Disposal in *Great Britain* of all Monies, Stores, and Property applicable for the Purposes of this Act; and the Secretary of State in Council shall by the Officers and Servants of the Establishment produce and lay before such Auditor from Time to Time all such Accounts, accompanied by proper Vouchers for the Support of the same, and shall submit to his Inspection all Books, Papers, and Writings having relation thereto; and such Auditor shall have Power to examine all such Officers and Servants in *Great Britain* of the Establishment as he may see fit in relation to such Accounts, and the Receipt, Expenditure, or Disposal of such Monies, Stores, and Property, and for that Purpose, by Writing under his Hand, to summon before him any such Officer

Officer or Servant; and such Auditor shall report from Time to Time to the Secretary of State in Council his Approval or Disapproval of such Accounts, with such Remarks and Observations in relation thereto as he may think fit, specially noting any Case, if such there shall be, in which it shall appear to him that any Money arising out of the Revenues of *India* has been appropriated to other Purposes than those of the Government of *India* to which alone they are declared to be applicable; and shall specify in detail in his Reports all Sums of Money, Stores, and Property which ought to be accounted for, and are not brought into account or have not been appropriated, in conformity with the Provisions of this Act, or have been expended or disposed of without due Authority, and shall also specify any Defects, Inaccuracies, or Irregularities which may appear in such Accounts, or in the Authorities, Vouchers, or Documents having relation thereto; and all such Reports shall be laid before both Houses of Parliament by such Auditor, together with the Accounts of the Year to which the same may relate.

Accounts to be annually laid before Parliament.

LIII. The Secretary of State in Council shall, within the first Fourteen Days during which Parliament may be sitting next after the First Day of *May* in every Year, lay before both Houses of Parliament an Account for the financial Year preceding that last completed of the annual Produce of the Revenues of *India*, distinguishing the same under the respective Heads thereof, at each of the several Presidencies or Governments, and of all the annual Receipts and Disbursements at Home and Abroad on account of the Government of *India*, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same for the last financial Year, and also the Amount of the Debts chargeable on the Revenues of *India*, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of the Effects and Credits at each Presidency or Government, and in *England* or elsewhere, applicable to the Purposes of the Government of *India*, according to the latest Advices which have been received thereof, and also a List of the Establishment of the Secretary of State in Council, and the Salaries and Allowances payable in respect thereof; and if any new or increased Salaries or Pensions of Fifty Pounds a Year or upwards have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of such Year; and such Account shall be accompanied by a Statement prepared from detailed Reports from each Presidency and District in *India* in such Form as shall best exhibit the moral and material Progress and Condition of *India* in each such Presidency.

When Order to commence Hostilities is sent to India, the Fact to be com-

LIV. When any Order is sent to *India* directing the actual Commencement of Hostilities by Her Majesty's Forces in *India*, the Fact of such Order having been sent shall be com-

 municated

municated to Parliament.

municated to both Houses of Parliament within Three Months after the sending of such Order, if Parliament be sitting, unless such Order shall have been in the meantime revoked or suspended, and if Parliament be not sitting at the End of such Three Months then within One Month after the next Meeting of Parliament.

Except for repelling Invasion, Revenues not applicable for Operations beyond the Frontiers.

LV. Except for preventing or repelling actual Invasion of Her Majesty's *Indian* Possessions, or under other sudden and urgent Necessity, the Revenues of *India* shall not, without the Consent of both Houses of Parliament, be applicable to defray the Expenses of any Military Operation carried on beyond the external Frontiers of such Possessions by Her Majesty's Forces charged upon such Revenues.

Existing Establishments.

Indian Military and Naval Forces to remain under existing Conditions of Service.

LVI. The Military and Naval Forces of the *East India* Company shall be deemed to be the *Indian* Military and Naval Forces of Her Majesty, and shall be under the same Obligations to serve Her Majesty as they would have been under to serve the said Company, and shall be liable to serve within the same territorial Limits only, for the same Terms only, and be entitled to the like Pay, Pensions, Allowances, and Privileges, and the like Advantages as regards Promotion, and otherwise, as if they had continued in the Service of the said Company: Such Forces, and all Persons hereafter enlisting in or entering the same, shall continue and be subject to all Acts of Parliament, Laws of the Governor General of *India* in Council, and Articles of War, and all other Laws, Regulations, and Provisions relating to the *East India* Company's Military and Naval Forces respectively, as if Her Majesty's *Indian* Military and Naval Forces respectively had throughout such Acts, Laws, Articles, Regulations, and Provisions been mentioned or referred to instead of such Forces of the said Company; and the Pay and Expenses of and incident to Her Majesty's *Indian* Military and Naval Forces shall be defrayed out of the Revenues of *India*.

Provision for Persons hereafter entering Her Majesty's Indian Forces.

LVII. Provided, That it shall be lawful for Her Majesty from Time to Time by Order in Council to alter or regulate the Terms and Conditions of Service under which Persons hereafter entering Her Majesty's *Indian* Forces shall be commissioned, enlisted, or entered to serve, and the Forms of Attestation and of the Oath or Declaration to be used and taken or made respectively on attesting Persons to serve in Her Majesty's *Indian* Forces shall be such as Her Majesty with regard to the *European* Forces, and the Governor General of *India* in Council with regard to the Native Forces, shall from Time to Time direct: Provided, that every such Order in Council shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within Fourteen Days after the next Meeting thereof.

LVIII. All

LVIII. All Persons who at the Time of the Commencement of this Act shall hold any Offices, Employments, or Commissions whatever under the said Company in *India* shall thenceforth be deemed to hold such Offices, Employments, and Commissions under Her Majesty as if they had been appointed under this Act, and shall be paid out of the Revenues of *India*; and the Transfer of any Person to the Service of Her Majesty shall be deemed to be a Continuance of his previous Service, and shall not prejudice any Claims to Pension, or any Claims on the various Annuity Funds of the several Presidencies in *India*, which he might have had if this Act had not been passed.

Officers, &c. in Employ of the Company at the Commencement of this Act to be deemed to hold Offices under Her Majesty.

LIX. All Orders, Regulations, and Directions lawfully given or made before the Commencement of this Act by the Court of Directors or by the Commissioners for the Affairs of *India* shall remain in force; and the same shall, from and after the Commencement of this Act, be deemed to be the Orders, Regulations, and Directions under this Act, and take effect and be construed and be subject to Alteration or Revocation accordingly.

All Orders of the Court of Directors, &c., given before Commencement of Act to remain in force.

LX. All Functions and Powers of Courts of Proprietors and Courts of Directors of the said Company in relation to the Government of *India*, and all Appointments of such of the Directors of the said Company as have been appointed by Her Majesty, shall cease, and the yearly Sums payable to the Chairman, Deputy Chairman, and other Directors of the said Company shall cease to be payable, and all Powers vested in Her Majesty of appointing Directors of the said Company shall cease and determine.

Cesser of Appointments and Functions of Directors, &c.

LXI. The Appointments and Powers of Appointment of Commissioners for the Affairs of *India* shall cease and determine.

Board of Control abolished.

LXII. All Books, Records, and Archives of the said Company, except such Books and Documents as concern the Ownership of Shares in the Capital Stock of the said Company, and the Payments to the Proprietors of such Capital Stock of their respective Shares of the Dividend thereon, shall be delivered into the Care and Custody of the Secretary of State in Council as they may direct.

Records, &c. of the Company to be delivered into the Care of Secretary of State in Council.

LXIII. In case the Person who shall be entitled under any provisional Appointment to succeed to the Office of Governor General of *India* upon a Vacancy therein, or who shall be appointed absolutely to assume that Office, shall be in *India* (upon or after the happening of the Vacancy, or upon or after the Receipt of such absolute Appointment, as the Case may require), but shall be absent from *Fort William* in *Bengal*, or from the Place where the Council of the Governor General of *India* may then be, and it shall appear to him necessary to exercise the Powers of Governor General before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention

A Person succeeding to the Office of Governor General may exercise his Powers before he takes his Seat in Council.

to assume the said Office of Governor General, and after such Proclamation, and thenceforth until he shall repair to *Fort William* or the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which might be exercised by the Governor General in Council, except the Power of making Laws and Regulations; and all Acts done in the Exercise of the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor General in Council; provided that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by the Person who shall have so assumed the said Office of Governor General; and when the Office of Governor General is assumed under the foregoing Provision, if there be at any Time before the Governor General takes his Seat in Council no Vice-President of the Council authorized to preside at Meetings for making Laws and Regulations (as provided by Section Twenty-two of the Act of the Sixteenth and Seventeenth Years of Her Majesty), the senior ordinary Member of Council then present shall preside therein, with the same Powers as if a Vice-President had been appointed and were absent.

Continuance of existing Enactments.

Existing Provisions to be applicable to Secretary of State in Council, &c.

LXIV. All Acts and Provisions now in force under Charter or otherwise concerning *India* shall, subject to the Provisions of this Act, continue in force, and be construed as referring to the Secretary of State in Council in the Place of the said Company and the Court of Directors and Court of Proprietors thereof, and all Enactments applicable to the Officers and Servants of the said Company in *India*, and to Appointments to Office or Admissions to Service by the said Court of Directors, shall, subject to the Provisions of this Act, remain applicable to the Officers and Servants continued and to the Officers and to Servants appointed or employed in *India*, and to Appointments to Office and Admissions to Service under the Authority of this Act.

Actions and Contracts.

Secretary of State in Council may sue and be sued.

LXV. The Secretary of State in Council shall and may sue and be sued as well in *India* as in *England* by the Name of the Secretary of State in Council as a Body Corporate; and all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the Secretary of State in Council of *India* as they could have done against the said Company; and the Property and Effects hereby vested in Her Majesty for the Purposes of the Government of *India*, or acquired for the said Purposes, shall be subject and liable to the same Judgments and Executions as they would while vested in the said Company have been liable to in respect of Debts and Liabilities lawfully contracted and incurred by the said Company.

LXVI. The

LXVI. The Secretary of State in Council shall, with respect to all Actions, Suits, and all Proceedings by or against the said Company pending at the Time of the Commencement of this Act, come in the Place of the said Company, and that without the Necessity of substituting the Name of the Secretary of State in Council for that of the said Company.

Secretary of State in Council to represent Company with regard to pending Suits, &c.

LXVII. All Treaties made by the said Company shall be binding on Her Majesty, and all Contracts, Covenants, Liabilities, and Engagements of the said Company made, incurred, or entered into before the Commencement of this Act may be enforced by and against the Secretary of State in Council in like Manner and in the same Courts as they might have been by and against the said Company if this Act had not been passed.

Treaties to be binding on Her Majesty, and Contracts, &c. of Company may be enforced, &c.

LXVIII. Neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contract, Covenant, or Engagement of the said Company as aforesaid, or in respect of any Contract entered into under the Authority of this Act, or other Liability of the said Secretary of State or Secretary of State in Council in their official Capacity; but all such Liabilities, and all Costs and Damages in respect thereof, shall be satisfied and paid out of the Revenues of *India*.

Members of Council not personally liable.

LXIX. After the Commencement of this Act such of the Directors as have been elected by the General Court of the said Company, or who shall from Time to Time be so elected, shall be the Directors of the said Company, and the major Part of such Directors for the Time being shall form a Court of Directors; and where the Presence, Signature, Consent, or Concurrence of Ten Directors is now requisite, the Presence, Signature, Consent, or Concurrence of the major Part of the Directors for the Time being shall be sufficient; and to the Intent that the Number of Directors may be reduced to Six, Two Directors only shall be elected by the General Court of the said Company at each biennial Election to fill the Vacancies occasioned by the Expiration of the Term of Office of Directors; and so much of the said Act of the Sixteenth and Seventeenth Years of Her Majesty as requires any of the Directors to be Persons who have resided Ten Years in *India* shall be repealed, and in the Oath to be taken by a Director of the said Company, under Section Thirteen of the said Act, the Words "in "the Administration of the Government of *India* in trust for "the Crown" shall be omitted.

The Directors elected by General Court of Company alone to be the Directors of the Company.

Provision as to Reduction of Number of Directors.

LXX. It shall no longer be obligatory on the Directors to summon Four General Quarterly Courts in every Year as heretofore.

Quarterly Courts need not be summoned.

LXXI. Except Claims of Mortgagees of the Security Fund herein-before mentioned, the said Company shall not, after the passing of this Act, be liable in respect of any Claim, Demand, or Liability which has arisen or may hereafter arise out of any Treaty, Covenant, Contract, Grant, Engagement, or Fiduciary Obligation made, incurred, or entered into by the said Company

Company not to be liable in respect of any Claim arising out of any Covenant, &c. made before the passing of this Act.

pany before the passing of this Act, whether the said Company would, but for this Act, have been bound to satisfy such Claim, Demand, or Liability out of the Revenues of *India*, or in any other Manner whatsoever.

Saving of certain Rights of the Company.

As to Payment of Expenses of the Company in respect of their Capital Stock and Dividend.

LXXII. It shall be lawful for the Secretary of State in Council to pay to the said Company out of the Revenues of *India* such annual Sum as Her Majesty, by Warrant under Her Royal Sign Manual, countersigned by the Chancellor of the Exchequer, may direct for defraying the Expenses of and incident to the Payment to the Proprietors of the Capital Stock of the said Company of their respective Shares of the Dividend on such Stock, and of keeping the Books of the said Company for Transfers, and otherwise in relation to such Stock.

Saving of the Rights of the Company in respect of their Dividend and Security Fund.

LXXIII. Nothing herein contained shall affect the Preference secured by the said Act of the Third and Fourth Years of King *William* the Fourth to the Dividend on the Capital Stock of the said Company or the Right of the said Company to demand the Redemption of the said Dividend secured by such Act; and all the Provisions of the said Act concerning the Security Fund thereby created shall remain in force, save that when the Approbation of the Commissioners for the Affairs of *India* is required in relation to the Disposal of the said Security Fund, the Approbation of the Secretary of State in Council shall be required.

Commencement of the Act.

Commencement of Act.

LXXIV. Save as herein otherwise provided, this Act shall commence and take effect on the Expiration of Thirty Days after the Day of the passing thereof.

Provision as to Proceedings in India before the Act is proclaimed there.

LXXV. This Act shall be proclaimed in the several Presidencies and Governments of *India* as soon as conveniently may be after such Act has been received by the Governor General of *India*; and until such Proclamation be made all Acts, Matters, and Things done, ordered, directed, or authorized in *India* in the Name of the *East India* Company, or otherwise in relation to the Government of *India*, shall be as valid and effectual as if this Act had not been passed.

CAP. CVII.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament. [2d *August* 1858.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply

Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1858 the Sum of 11,226,255*l.* 1*s.* 1*d.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 11,226,255*l.* 1*s.* 1*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance.

V. It shall and may be lawful for the Governor and Company of the Bank of England and they are hereby empowered, to

11,226,255*l.* 1*s.* 1*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

Monies raised by Exchequer Bills applied to Services voted by Commons.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

IX. There

IX. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum of Four million three hundred twenty-seven thousand two hundred and ninety-two Pounds Eighteen Shillings and Elevenpence, being the Surplus of Ways and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Treasury may apply for the Service of the Year 1858 4,327,292*l.* 18*s.* 11*d.* Surplus of Ways and Means.

X. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of "Five hundred thousand Pounds out of the Consolidated Fund "to the Service of the Year ending the Thirty-first Day of "March One thousand eight hundred and fifty-eight," and also the Sum of Ten Millions granted by one other Act passed in this Session of Parliament, intituled "An Act to apply the Sum "of Ten Millions out of the Consolidated Fund to the Service "of the Year One thousand eight hundred and fifty-eight," and also the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds, granted by one other Act passed in this Session of Parliament, intituled "An Act for raising the "Sum of Twenty million nine hundred and eleven thousand "five hundred Pounds by Exchequer Bills for the Service of "the Year One thousand eight hundred and fifty-eight," and also the Sum of Eleven Millions granted by one other Act passed in this Session of Parliament, intituled "An Act to "apply the Sum of Eleven Millions out of the Consolidated "Fund to the Service of the Year One thousand eight hundred "and fifty-eight," and also the respective Sums of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny, and Four million three hundred twenty-seven thousand two hundred and ninety-two Pounds Eighteen Shillings and Elevenpence, by this Act granted, amounting in the aggregate to the Sum of Thirty-seven million fifty-three thousand five hundred and forty-eight Pounds in Money, and Twenty million nine hundred and eleven thousand five hundred Pounds in Exchequer Bills, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

Appropriation of Ways and Means to Services hereafter expressed.

21 Vict. c. 6.

21 Vict. c. 5.

21 Vict. c. 13.

21 Vict. c. 17.

XI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Nine million eight hundred thirty-nine thousand eight hundred and fifty-nine Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Two million four hundred and one thousand five hundred and ninety-nine Pounds, to defray the Charge of Wages to Fifty-nine thousand three hundred and eighty Seamen and Marines, which will come in course of Payment during the Year

There shall be issued 9,839,859*l.* for Navy Services; viz.:

2,401,599*l.* for Wages to 59,380 Seamen and Marines;

Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One million twenty-seven thousand three hundred and fifty-seven Pounds, to defray the Charge of Victuals to Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred forty thousand four hundred and thirty-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred seventy-eight thousand five hundred and ninety-two Pounds, to defray the Salaries and Expenses of the Coast Guard Service, and the Charges for the Royal Naval Coast Volunteers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and fifteen Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several Scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-one thousand six hundred and thirty-four Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-seven thousand two hundred and seventy-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred sixty-six thousand nine hundred and twenty-one Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty-four thousand six hundred and seventy-one Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One million three hundred eighty-nine thousand seven hundred and forty-two Pounds, to defray the

1,027,357*l.* for Victuals, &c. in the Navy;

140,439*l.* for Salaries, &c. of the Admiralty Office;

178,592*l.* for Coast Guard Service and Royal Naval Coast Volunteers;

60,615*l.* for the Navy Scientific Departments;

151,634*l.* for Naval Establishments at home;

27,279*l.* for Naval Establishments abroad;

966,921*l.* for Wages of Artificers, &c. at home;

54,671*l.* for Wages of Artificers, &c. abroad;

1,389,742*l.* for Naval Stores, &c.;

the Expense of Naval Stores for the building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five hundred eighty-five thousand eight hundred and sixty-two Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventy-one thousand four hundred and seventy Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred ninety-four thousand one hundred and forty-eight Pounds, to defray the Charge of Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred eighty thousand and sixty-one Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred sixty thousand four hundred and eighty-one Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred and ten thousand five hundred Pounds, to defray the Charge for the Freight of Ships, for the victualling and Conveyance of Troops on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred eighty-eight thousand four hundred and eighty-eight Pounds, to defray the Charge of the Packet Service, for the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine.

585,862*l.* for new Works in Naval Establishments;

50,000*l.* for Medicines, &c.;

71,470*l.* for Naval Miscellaneous Services;

694,148*l.* for Naval Half Pay, &c.;

480,061*l.* for Military Pensions;

160,481*l.* for Civil Pensions.

410,500*l.* for Freight of Ships, Conveyance of Troops, &c.;

988,488*l* for Packet Service

XII. 'And whereas, in order to provide for the Exigencies 'of the Army Services, it has been necessary to incur an 'Expenditure for Army Services beyond the Grants for the 'Year ended on the Thirty-first Day of March One thousand 'eight

There shall be issued 500,000*l.* for Army Services, 1857–8.

'eight hundred and fifty-eight, amounting to Five hundred 'thousand Pounds:' Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five hundred thousand Pounds towards defraying the Charge of the Embodied Militia of Great Britain and Ireland, which will have come in course of Payment in the Year to the Thirty-first Day of March One thousand eight hundred and fifty-eight.

There shall be issued 4,007,735*l.* for Army Services, viz.:

XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four million seven thousand seven hundred and thirty-five Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad, herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Five hundred thirty-eight thousand three hundred and seventeen Pounds, to defray the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred eighty-nine thousand four hundred and sixty Pounds, to defray the Charge of Clothing and Necessaries, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One million fifty-one thousand six hundred and twenty-four Pounds, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred thirty-four thousand seven hundred and twenty-seven Pounds, to defray the Charge of warlike Stores for Land and Sea Service, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Two hundred eighty-five thousand seven hundred and thirty-six Pounds, to defray the Charge of Fortifications at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine

538,317*l.* for Wages of Artificers, &c.;

689,460*l.* for Clothing and Necessaries;

1,051,624*l.* for Provisions, Barrack Furniture, &c.;

634,727*l.* for Stores for Land and Sea Service;

285,736*l.* for Fortifications;

fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-eight thousand seven hundred and eighty Pounds, to defray the Charge of Civil Buildings at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred seventy-nine thousand and ninety-one Pounds, to defray the Charge of Barracks at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Eight million three thousand and ten Pounds, for defraying all the other Army Services hereinafter more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three million six hundred eighty-one thousand and twenty-seven Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred fifteen thousand six hundred and sixty-one Pounds, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray the Charge of the Embodied Militia of Great Britain and Ireland, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Eighty-eight thousand Pounds, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred eighty-two thousand nine hundred and seventy-seven Pounds, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Three hundred and forty-nine thousand Pounds,

128,780*l.* for Works, Buildings, &c.

679,091*l.* for Barracks;

8,003,010*l.* for other Army Services, viz.:

3,681,027*l.* for Forces in U.K. and Stations abroad (except East Indies);

615,661*l.* for Miscellaneous Charges at home and abroad (except India);

150,000*l.* for Embodied Militia;

88,000*l.* for Volunteer Corps;

182,977*l.* for Salaries, &c. of War Departments,

349,000*l.* for Manufacturing Departments,

Storekeepers, Barrack Masters, &c.;

Pounds, to defray the Charge of the Manufacturing Departments, Military Store-keepers, Barrack Masters, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred seventy-three thousand two hundred and eighty-seven Pounds, to defray the Charge of the Educational and Scientific Branches, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Twenty-five thousand three hundred and thirty Pounds, to defray the Charge of the Rewards for Military Service, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Fifty-nine thousand five hundred and eleven Pounds, to defray the Charge of the Pay of General Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Five hundred thirty-one thousand two hundred and seven Pounds, to defray the Charge of the Pay of Reduced and Retired Officers, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Two hundred and eight thousand one hundred and thirty-two Pounds, to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Fifty-one thousand two hundred and forty-three Pounds, to defray the Charge of Pensions, Gratuities, and Allowances to Officers for Wounds, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Thirty-one thousand three hundred and seventy-two Pounds to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One million two hundred and two thousand

173,287*l.* for Educational and Scientific Branches;

25,330*l.* for Rewards for Military Service;

59,511*l.* for Pay of General Officers;

531,207*l.* for Reduced and Retired Officers;

208,132*l.* for Pensions to Widows, and Compassionate List, &c.;

51,243*l.* for Pensions, Gratuities, &c. to wounded Officers;

31,372*l.* for In-Pensioners of Chelsea and Kilmainham Hospitals;

1,202,863*l.* for Out-Pensioners of Chelsea Hospital, &c.;

thousand eight hundred and sixty-three Pounds, to defray the Charge of the Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred thirty thousand four hundred and ten Pounds, to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Ninety thousand Pounds, to defray the Charge for the Surveys of the United Kingdom, and for the Topographical Department, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Four hundred thirty-two thousand nine hundred and ninety Pounds, towards defraying the Charge of the Disembodied Militia of Great Britain and Ireland, which will come in course of Payment in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.

130,410*l.* for Superannuation and Retired Allowances;

90,000*l.* for Surveys and Topographical Department;

432,990*l.* for Disembodied Militia.

XIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty million nine hundred and eleven thousand five hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and fifty-eight unprovided for.

20,911,500*l.* for Exchequer Bills.

XV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two Millions, to pay off and discharge Exchequer Bonds payable on the Eighth Day of May One thousand eight hundred and fifty-eight.

2,000,000*l.* for Exchequer Bonds.

XVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

100,000*l.* for Civil Contingencies.

Revenue Departments.

Revenue Departments.

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two million twenty-six thousand and thirty-one Pounds, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One million three hundred sixty-two thousand two hundred and fifty-eight Pounds,

2,026,031*l.* for Post Office, &c.;

1,362,258*l.* for Inland Revenue Department;

Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred eighty-five thousand five hundred and seventy-five Pounds, to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other non-effective Charges, in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eight hundred forty-nine thousand two hundred and eighty-five Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.

485,575*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office;

849,285*l.* for Customs Department.

Civil Services. *Class* 1.

Civil Services.—*Class* 1.

There shall be issued 46,219*l.* for Royal Palaces, &c.;

110,651*l.* for Maintenance, &c. of Public Buildings.

XVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Forty-six thousand two hundred and nineteen Pounds, for the Maintenance and Repair of the Royal Palaces to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and ten thousand six hundred and fifty-one Pounds, to defray the Expense of Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand nine hundred and twenty-six Pounds, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ninety-nine thousand six hundred and sixty-seven Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith; and any Sum or Sums of Money not exceeding One hundred sixty thousand seven hundred and ninety-three Pounds, to defray the Charge for Works and Expenses at the New Houses of Parliament to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty thousand three hundred Pounds, for the Purchase, fitting up, and furnishing Three Houses in Pall Mall as an Addition to the War Office; and any Sum or Sums of Money not exceeding Thirty-one thousand Pounds, to provide Premises in London and the Country for the Probate Court and District Registries; and

26,926*l.* for Furniture for Public Departments;

99,667*l.* for Repair of Royal Parks, &c.;

160,793*l.* for New Houses of Parliament;

30,300*l.* for Addition to War Office;

31,000*l.* for Probate Court, &c.

and any Sum or Sums of Money not exceeding Four thousand seven hundred and seven Pounds, to defray the Expense of Maintenance and Repairs to Embassy Houses, &c. abroad to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and seventy thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-one thousand Pounds, on account of the Works at the new Packet Harbour and Harbour of Refuge at Holyhead to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand and forty-nine Pounds to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and fifty-one Pounds, to defray the Expense of erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eighteen thousand five hundred and six Pounds, to defray the Expense of the Works and Establishment of Kingstown Harbour to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

4,707*l.* for Embassy Houses, &c.;

170,000*l.* for Harbours of Refuge;

21,000*l.* for Holyhead Harbour.

1,049*l.* for Port Patrick Harbour.

60,651*l.* for Buildings in Department of Public Works in Ireland;

18,506*l.* for Kingstown Harbour;

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-eight thousand one hundred and seven Pounds, to pay the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty-four thousand Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and ninety-nine Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventy-six thousand nine hundred Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-nine thousand

88,107*l.* for Salaries, &c. of Houses of Parliament;

54,000*l.* for the Treasury;

24,799*l.* for the Home Department,

76,900*l.* for the Foreign Department;

29,134*l.* for Department of Colonies;

thousand one hundred and thirty-four Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty-seven thousand eight hundred and forty-seven Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's most Honourable Privy Council and Committee of Privy Council for Trade, including the Railway and Marine Departments, and the Registrar of Merchant Seamen, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand seven hundred and twenty Pounds, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand two hundred and twenty-three Pounds, to defray the Expense of conducting the Business of the Civil Service Commission to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand one hundred and ninety-eight Pounds, to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand two hundred and fifty-five Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand five hundred and seventy-five Pounds, to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-two thousand nine hundred and eighty-nine Pounds, to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-one thousand and nine Pounds, to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred sixteen thousand and sixty Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand six hundred and thirty-nine Pounds, to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and

67,847*l.* for Privy Council, Railway and Marine Departments, &c.;

2,720*l.* for Establishment of Lord Privy Seal, &c.;

5,223*l.* for Civil Service Commission;

17,198*l.* for Paymaster General's Department,

6,255*l.* for Department of Comp. Gen. of Exchequer;

26,575*l.* for Commissioners of Works, &c.;

22,989*l.* for Office of Woods, Forests, &c.;

21,009*l.* for Public Records and State Paper Office;

216,060*l.* for Administration of Poor Laws;

36,639*l.* for the Mint.

and any Sum or Sums of Money not exceeding Twenty-two thousand and ten Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand two hundred and fifty-one Pounds, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifteen thousand eight hundred and four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand one hundred and nineteen Pounds, to defray the Charge of the Department of the Paymaster of Civil Services in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand six hundred and thirteen Pounds, to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-two thousand six hundred and fifteen Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-five thousand seven hundred and sixty-eight Pounds, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and seventy-nine Pounds, to defray the Expense of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twelve thousand three hundred and thirty Pounds, to pay the Imprest Expenses under the Inclosure and Drainage Acts of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-eight thousand eight hundred Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, England and Wales, to the Thirty-first Day of March One thousand

22,010*l.* for Inspectors of Factories, &c.;

6,251*l.* for Civil Charges, &c., Scotland;

6,431*l.* for Officers, &c., Lord Lieutenant of Ireland;

15,804*l.* for Chief Secretary, &c., Ireland;

7,119*l.* for Paymaster of Civil Services, Ireland;

2,613*l.* for Inspectors of Lunatic Asylums, Ireland;

22,615*l.* for Board of Public Works, Ireland;

35,768*l.* for Audit Commissioners;

17,879*l.* for Copyhold, &c. Commission;

12,330*l.* for Expenses of Copyhold, &c. Commission;

38,800*l.* for General Register Office, England and Wales;

3,310*l.* for General Register Office, Dublin;

thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand three hundred and ten Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

5,652*l.* for Registrar General of Births, &c., Edinburgh;

and any Sum or Sums of Money not exceeding Five thousand six hundred and fifty-two Pounds, to pay the Salaries and Expenses in the Department of the Registrar General of Births, &c., Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

14,355*l.* for National Debt Office;

and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and fifty-five Pounds, to pay the Salaries and Expenses in the National Debt Office, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

2,800*l.* for Public Works Loan Commission;

and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

1,770*l.* for West Indies Relief Commission;

and any Sum or Sums of Money not exceeding One thousand seven hundred and seventy Pounds, to defray the Expenses of the Establishment under the West India Islands Relief Commissioners to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

9,820*l.* for Lunacy Commission;

and any Sum or Sums of Money not exceeding Nine thousand eight hundred and twenty Pounds, to pay the contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

1,223*l.* for Superintendent of County Roads, S. Wales;

and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

2,103*l.* for Registrars of Friendly Societies;

and any Sum or Sums of Money not exceeding Two thousand one hundred and three Pounds, to pay the Salaries and Expenses in the Department of the Registrars of Friendly Societies in England, Scotland, and Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

32,000*l.* for Foreign and other Secret Services;

and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

401,357*l.* for Stationery, &c. for Public Departments;

and any Sum or Sums of Money not exceeding Four hundred and one thousand three hundred and fifty-seven Pounds, to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

123,100*l.* for Postage of Letters on the Public Service.

and any Sum or Sums of Money not exceeding One hundred twenty-three thousand one hundred Pounds, to defray the Charge for Postage of Letters on the Public Service in

in the several Departments to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

CIVIL SERVICES.—*Class* 3.

CIVIL SERVICES. *Class* 3.

XX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Forty-six thousand three hundred and seventy-five Pounds to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, also the Salary and Allowance of Counsel for advising the Treasury on Matters relating to the Slave Trade, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expenses of Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Salaries in lieu of Fees to Clerks of Assize and other Officers under the Criminal Justice Act; and any Sum or Sums of Money not exceeding Two hundred fourteen thousand two hundred Pounds, to defray certain Charges connected with the Police in Counties and Boroughs in England and Wales, and for Police in Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expenses of the Crown Office, Chancery, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand four hundred and nineteen Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expenses incurred by Sheriffs, and the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer; and any Sum or Sums of Money not exceeding Five thousand nine hundred and forty Pounds to defray the Salaries and Expenses in the Department of the Registrar of the Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand eight hundred and twenty-six Pounds, to defray the Salaries of the Commissioners and other Officers, and the Expenses of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-five thousand one hundred and sixty-two Pounds, to defray the Salaries and Expenses of the Court of Probate and Divorce and Matrimonial Causes to the Thirty-first Day of March One thousand eight hundred

46,375*l.* for Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.

150,000*l.* for Prosecutions at Assizes, &c.;

214,200*l.* for Police in Counties, &c., Eng. & Wales

200*l.* for Crown Office, Chancery;

1,500*l.* for Crown Office, Queen's Bench;

14,419*l.* for Expenses of Sheriffs and Deficiency of Fees in the Exchequer;

5,940*l.* for Registrar of the Admiralty;

6,826*l.* for Insolvent Debtors Court;

35,162*l.* for Court of Probate, &c.;

157,050*l.* for Treasurers of County Courts;

hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-seven thousand and fifty Pounds, to defray the Salaries and Expenses of the County Courts to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

25,428*l.* for Police Courts of the Metropolis;

and any Sum or Sums of Money not exceeding Twenty five thousand four hundred and twenty-eight Pounds, to defray the Expenses of the Police Courts of the Metropolis to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

128,607*l.* for Metropolitan Police;

and any Sum or Sums of Money not exceeding One hundred twenty-eight thousand six hundred and seven Pounds, towards defraying the Expenses of the Metropolitan Police to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

3,495*l.* for Queen's Prison;

and any Sum or Sums of Money not exceeding Three thousand four hundred and ninety-five Pounds to defray the Salaries and Expenses of the Queen's Prison to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

3,342*l.* for Lord Advocate and Sol. Gen., Scotland;

and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Salaries of the Lord Advocate and of the Solicitor General, Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

18,577*l.* for Salaries, Court of Session, Scotland;

and any Sum or Sums of Money not exceeding Eighteen thousand five hundred and seventy-seven Pounds, to defray the Salaries and Expenses of the Court of Session in Scotland to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

11,261*l.* for Court of Justiciary, Scotland;

and any Sum or Sums of Money not exceeding Eleven thousand two hundred and sixty-one Pounds to defray the Salaries and Expenses of the Court of Justiciary in Scotland to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

5,550*l.* for Prosecutions by Lord Advocate;

and any Sum or Sums of Money not exceeding Five thousand five hundred and fifty Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

1,860*l.* for certain Officers in the Exchequer in Scotland;

and any Sum or Sums of Money not exceeding One thousand eight hundred and sixty Pounds, to defray the Salaries and Expenses of the legal Branch of the Exchequer in Scotland to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

25,000*l.* for Criminal Prosecutions, &c. in Scotland;

and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge of Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in Sheriff Courts in Scotland;

11,955*l.* for Procurators Fiscal in Scotland;

and any Sum or Sums of Money not exceeding Eleven thousand nine hundred and fifty-five Pounds, to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

13,110*l.* for Sheriffs Clerks, Scotland;

and any Sum or Sums of Money not exceeding Thirteen thousand one hundred and ten Pounds, to defray the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Revenues of Customs and

and Excise to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand two hundred and fifty Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salary of the Solicitor of the Crown and Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in maintaining Rights of the Crown in Civil Actions, &c. in Scotland; and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and eighteen Pounds, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand one hundred and twenty-four Pounds, to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand six hundred and seventy-five Pounds, to defray the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand six hundred and twenty Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand seven hundred and twenty-six Pounds, to defray the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland formerly charged on the Consolidated Fund to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred and ninety-nine Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Queen's Bench in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred and eighty Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Common Pleas in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand nine hundred and seventy-five Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Exchequer in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Salary of the Clerk to the Taxing Officers for the Three Law Courts, Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand eight hundred and fifty Pounds, to defray the Salaries of

2,250*l.* for Salaries of Law Officers in Scotland;

15,118*l.* for General Register House, Edinburgh;

1,124*l.* for Commissary Clerk, Edinburgh;

1,675*l.* for Department of Accountant in Bankruptcy, Scotland;

26,620*l.* for Criminal Prosecutions, Ireland;

3,726*l.* for Court of Chancery, Ireland;

2,599*l.* for Court of Queen's Bench, Ireland;

3,480*l.* for Court of Common Pleas, (I.);

3,975*l.* for Court of Exchequer, (I.);

200*l.* for Clerk to Taxing Officers for Law Courts, Ireland;

5,850*l.* for Registrars to Judges, (I.);

of the Registrars to the Judges in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand three hundred and forty-eight Pounds, to defray certain Salaries and the incidental Expenses in the Office for the Registration of Judgments in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand five hundred and forty-six Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salaries of the Judges and Officers and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and seventy-two Pounds, to defray the Salaries of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eight hundred and thirty Pounds, for Remuneration to Revising Barristers in the City of Dublin to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred and sixty-seven Pounds, to defray the Salary of the Clerk to the Court of Errors in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to defray the Salaries of the Police Justices of Dublin Metropolis to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand five hundred Pounds, towards defraying the Expense of the Divisional Police Courts and the Metropolitan Police, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred sixty-four thousand two hundred and eighty-seven Pounds, to defray the Expense of the Constabulary Force in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred and eighty-three Pounds, to defray the Expenses of the Four Courts, Marshalsea Prison, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and three Pounds, to defray the Charge of Inspection and general Superintendence over all the Prisons in the United Kingdom to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three hundred eighty thousand seven hundred and fifty-six Pounds, to defray the Charge of Government Prisons and Convict Establishments at home to the Thirty-first Day of March One thousand

2,348*l.* for Office for Registration of Judgments in Ireland;

9,546*l.* for Insolvent Debtors Court, (I.);

8,872*l.* for Court of Probate, &c., Ireland;

830*l.* for Revising Barristers, Dublin;

267*l.* for Clerk to Court of Errors, Ireland;

1,600*l.* for Police Justices, Dublin;

36,500*l.* for Metropolitan Police, Dublin;

664,287*l.* for Constabulary Force, Ireland;

2,583*l.* for Four Courts, Marshalsea, Dublin;

17,703*l.* for General Superintendence of Prisons, &c.;

380,756*l.* for Government Prisons, &c. at home;

thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred forty thousand and twenty-three Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and fifteen Pounds, to defray Expenses connected with the Transportation of Convicts, &c. to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred twenty-five thousand nine hundred and sixty-eight Pounds, to defray the Expense of the Convict Establishments in the Colonies to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

140,023*l.* for Maintenance of Prisoners and Removal of Convicts;

24,715*l.* for Transportation of Convicts;

225,968*l.* for Convict Establishments in the Colonies.

CIVIL SERVICES.— *Class* 4.

CIVIL SERVICES. *Class* 4.

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventy-nine thousand two hundred and seventy-five Pounds, to defray the Salaries and Expenses of the British Museum Establishment to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand eight hundred and eighty-seven Pounds, to defray the Expense of new Buildings and Fittings at the British Museum to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand Pounds, to enable the Trustees of the British Museum to defray the Expenses incurred for the Purchase of Objects for the Museum; and any Sum or Sums of Money not exceeding Six hundred sixty-three thousand four hundred and thirty-five Pounds, to defray the Charge for Public Education in Great Britain to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eighty-three thousand seven hundred and thirty Pounds, to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred and twenty-three thousand Pounds, to defray the Charge for Public Education in Ireland, under the Charge of the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred and eighty Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not

79,275*l.* for Salaries, &c., British Museum;

26,887*l.* for new Buildings, &c., British Museum;

5,000*l.* for Purchases for Brit. Museum;

663,435*l.* for Public Education in Great Britain;

83,730*l.* for Department of Science and Art, &c.;

223,000*l* for Education, Ireland, &c.;

680*l.* for Secretary to Commissioners of Education, Ireland;

3,654*l.* for London University;

not exceeding Three thousand six hundred and fifty-four Pounds, towards defraying the Expenses of the University of London to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand five hundred and ten Pounds, to pay Grants to Scottish Universities, formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand three hundred and twenty-three Pounds, to defray the Expenses of the Queen's University in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Royal Irish Academy to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal Hibernian Academy to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and seventy-four Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand and thirty-nine Pounds, to defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, &c. to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Royal Society, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, to carry on certain Experiments for public Objects.

7,510*l.* for Scottish Universities;

2,323*l.* for Queen's University, Ireland;

4,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

300*l.* for Royal Hibernian Academy;

2,500*l.* for Royal Belfast Academical Institution, &c.;

16,174*l.* for National Gallery;

5,039*l.* for Magnetic Observatories, &c.;

500*l.* for Royal Geographical Society;

1,000*l.* for Royal Society.

Civil Services. *Class 5.*

Civil Services.—*Class 5.*

4,050*l.* for Civil Establishment, Bermudas;

XXII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of

of Money not exceeding Four thousand and fifty Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand eight hundred and seventy-eight Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand three hundred and eighty-eight Pounds, to defray the Charge of the Indian Department in Canada to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand five hundred and fifty Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ten thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand two hundred and sixty-two Pounds, to defray Charges connected with the Island of Saint Helena to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge of Heligoland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand three hundred and seventy-six Pounds, towards defraying the Charge of the Falkland Islands to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand and twenty-one Pounds, towards defraying the Charge of Labuan to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray certain Charges connected with the Colony of Hong Kong to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand nine hundred and fourteen Pounds, to make good former Advances from the Treasury Chest to the Colony of Western Australia, to supply Deficiencies in the Colonial Resources; and any Sum or Sums of Money not exceeding Twelve thousand eight hundred and twenty-eight Pounds, to defray the Charge of the Emigration Board, and of the Emigration

6,878*l.* for Ecclesiastical Establishment, British N. A.;

3,388*l.* for Indian Department in Canada;

24,728*l.* for Salaries of Governors, &c. of West India Colonies, &c.;

20,550*l.* for Stipendiary Justices in W.I. Colonies, &c.;

10,230*l.* for Civil Establishments, W. Africa;

7,262*l.* for St. Helena;

960*l.* for Heligoland;

4,376*l.* for Falkland Islands;

6,021*l.* for Labuan;

10,000*l.* for Hong Kong;

7,914*l.* for Western Australia;

12,828*l.* for Emigration Board, &c.;

gration Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, Expenses incurred for the Support of captured Negroes and liberated Africans, and other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding One hundred eighty-seven thousand five hundred and twenty-seven Pounds, to defray the Expense of the Consular Establishments abroad to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Forty thousand Pounds, for the Extraordinary Disbursements of Her Majesty's Embassies and Missions abroad to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand and fifty Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves.

11,000*l.* for Support of captured Negroes, &c.;

187,527*l.* for Consular Establishments abroad;

40,000*l.* for Missions abroad;

11,050*l* for Commissioners for suppressing the Slave Trade.

CIVIL SERVICES. *Class* 6.

CIVIL SERVICES.—*Class* 6.

There shall be issued 162,889*l.* for Superannuations, &c. to Public Officers;

1,978*l* for Toulonese and Corsican Emigrants, &c.;

2,000*l.* for National Vaccine Institution,

325*l.* for "The Refuge for the Destitute,"

3,515*l.* for Polish Refugees, &c.;

4,281*l.* for Miscellaneous Allowances;

XXIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued or applied any Sum or Sums of Money not exceeding One hundred sixty-two thousand eight hundred and eighty-nine Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand nine hundred and seventy-eight Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, to Toulonese and Corsican Emigrants, Saint Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expense of the National Vaccine Establishment to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute" to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand five hundred and fifteen Pounds, for Payment of the Subsistence of the Polish Refugees, and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand two hundred and eighty-one Pounds, to pay, to the Thirty-first Day

Day of March One thousand eight hundred and fifty-nine, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventeen Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, to the Treasurers of Public Infirmaries in Ireland, the Allowances granted under certain Acts of Parliament; and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven hundred Pounds, towards defraying the Expense of the Rotunda Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expense of the Coombe Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand six hundred Pounds, to defray the Expense of the Hospitals of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred Pounds, towards defraying the Expense of the Meath Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred Pounds, towards defraying the Expense of Saint Mark's Ophthalmic Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, towards defraying the Expense of Doctor Steevens Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred and eighty-five Pounds, to defray the Expenses of the Board of Superintendence of Hospitals in Dublin to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand three hundred and forty-one Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.; and any Sum or Sums of Money not exceeding Thirty-nine thousand

2,717*l.* for Public Infirmaries, Ireland;

2,600*l.* for Lock Hospital, Dublin;

700*l.* for Lying-in Hospital, Dublin;

200*l.* for Coombe Lying-in Hospital;

7,600*l.* for Hospitals, House of Industry, Dublin;

2,500*l.* for House of Recovery, &c., Dublin;

600*l.* for Meath Hospital, Dublin;

100*l.* for St. Mark's Hospital, Dublin;

1,300*l.* for Dr. Steevens' Hospital, Dublin;

285*l.* for Superintendence of Hospitals, Dublin;

9,341*l.* for Charitable Allowances, &c., Ireland;

39,400*l.* for Protestant Dis-

senting Ministers, Ireland.

thousand four hundred Pounds, to defray the Expense of Nonconforming, Seceding, and Protestant dissenting Ministers in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

Civil Services. *Class 7.*

Civil Services.—*Class 7.*

3,568*l.* for Ecclesiastical Commissioners, England;

16,340*l.* for Charity Commission;

20,000*l.* for Incumbered Estates Commission, Ireland;

11,402*l.* for temporary Commissions;

26,198*l.* for Compensations, &c. under Patent Law Amend^t Act;

13,822*l.* for Board of Fisheries, Scotland;

2,000*l.* for Board of Manufactures, Scotland;

5,000*l.* for Commissioners of Highland Roads, &c.;

2,000*l.* for Bounties on Slaves, &c.;

900*l.* for Publication of Ancient Laws of Ireland;

XXIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand five hundred and sixty-eight Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixteen thousand three hundred and forty Pounds, to defray the Charge for the Salaries and Expenses of the Charity Commission for England and Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge for the Salaries and Expenses of the Encumbered Estates Commission, and of the proposed Court for Sale and Transfer of Land in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand four hundred and two Pounds, to defray the Charge for the Salaries and Expenses of sundry temporary Commissions to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand one hundred and ninety-eight Pounds, to defray the Fees, Salaries, Expenses, and Compensations payable under the Provisions of the Patent Law Amendment Act to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand eight hundred and twenty-two Pounds, to pay the Salaries and Expenses of the Board of Fisheries in Scotland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge on account of the Annuity to the Board of Manufactures in Scotland, in discharge of Equivalents under the Treaty of Union; and any Sum or Sums of Money not exceeding Five thousand Pounds, on account of the Commissioners of Highland Roads and Bridges, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Bounties on Slaves and the Tonnage Bounties on Slave Vessels captured to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the Expense of the Commission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland, and for the Publication of the Volumes

Volumes of Laws and Institutes, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expense of the Pay of the Process Servers in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty-eight thousand nine hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand and eighty-four Pounds, to defray the Salaries and Expenses of the Office for the Registration of Joint Stock Companies to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand six hundred and ninety-three Pounds, to defray the Charge of the Salaries and Expenses in the Registration of Designs Office to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand seven hundred Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charges on account of distressed British Seamen abroad; and any Sum or Sums of Money not exceeding Three thousand six hundred Pounds, to defray Expenses connected with Quarantine Arrangements to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and fifty Pounds, to defray the Charge for the Remuneration to Revising Barristers in England and Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand eight hundred and fifty-six Pounds, to defray the Charge for the Constabulary Police at the Military Camps of Aldershott and Shorncliffe to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expense of the Inspection of Burial Grounds in England and Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of

9,000*l.* for Pay of Process Servers, Ireland;

58,900*l.* for Pensions under Merchant Seamen's Fund Act;

2,084*l.* for Registration of Joint Stock Companies;

1,693*l.* for Registration of Designs Office;

50,000*l.* for Payments under Treaties of Reciprocity.

4,700*l.* for Inspectors of Corn Returns, &c.;

20,000*l.* for distressed Seamen abroad;

3,600*l.* for Quarantine Expenses;

17,850*l.* for Revising Barristers in England and Wales;

3,856*l.* for Police at Military Camps;

3,000*l.* for Inspection of Burial Grounds, Eng. & Wales;

1,053*l.* for certain Professors at Cambridge;

of Money not exceeding One thousand and fifty-three Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge for the Salaries of certain Professors in the University of Cambridge;

27,100*l.* for Lighthouses abroad;

and any Sum or Sums of Money not exceeding Twenty-seven thousand one hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of erecting and maintaining certain Lighthouses abroad;

1,000*l.* for Orange River Territory;

and any Sum or Sums of Money not exceeding One thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge for Half Salary payable to the Officers lately employed in the Settlement of the Orange River Territory (Cape of Good Hope);

20,000*l.* for educating, &c. Native Tribes, South Africa;

and any Sum or Sums of Money not exceeding Twenty thousand Pounds, for promoting the Improvement of the Kafirs, and the Settlement and Government of British Kaffraria, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine;

29,940*l.* for Expenses on account of the Treasury Chest;

and any Sum or Sums of Money not exceeding Twenty-nine thousand nine hundred and forty Pounds, to defray Expenses on account of the Treasury Chest to the Thirty-first Day of March One thousand eight hundred and fifty-nine;

2,000*l.* for National Portrait Gallery;

and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Formation, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of the Gallery of Portraits of the most eminent Persons in British History;

2,000*l.* for Cholera Inquiry, West Indies;

and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expenses connected with the Inquiry into the Ravages of the Cholera in the West Indies;

1,600*l.* for defining, &c. Boundaries of Counties &c., Ireland;

and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, for the Expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine;

3,100*l.* for Agricultural, &c. Statistics, Ireland;

and any Sum or Sums of Money not exceeding Three thousand one hundred Pounds, for defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Cost of collecting Agricultural and Emigration Statistics in Ireland;

6,318*l.* for repaying Purchase Monies for Lands, &c., Belfast;

and any Sum or Sums of Money not exceeding Six thousand three hundred and eighteen Pounds, for the Purpose of repaying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, to Civil Contingencies, the Monies advanced for the Purchase of certain Lands and Buildings adjacent to the new Public Offices at Belfast;

15,000*l.* for Extension of Four Courts, Dublin;

and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to enable the Commissioners of Public Works in Ireland, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, to purchase certain Ground and Houses required as a Site for a new Court or Courts

Courts of Law and Offices in Extension of the Four Courts, Dublin; and any Sum or Sums of Money not exceeding Five thousand Pounds, towards the Erection and Completion, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of a National Gallery for Paintings, Sculpture, and the Fine Arts, and for the Reception of Archbishop Marsh's Public Library in Dublin; and any Sum or Sums of Money not exceeding One thousand Pounds, towards providing Fittings for the New Museum and Library of the Royal Dublin Society in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards defraying the Expense of the Erection of the Industrial Museum at Edinburgh, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand and thirty-three Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Cost of Cases and Fittings required for the Rooms in the Royal Institution, Edinburgh, appropriated as an Antiquarian Museum; and any Sum or Sums of Money not exceeding Seven thousand five hundred Pounds, towards the Erection, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of a new Building, to contain additional Accommodation for Public Offices in connexion with Her Majesty's General Register House, Edinburgh; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of additional Iron Presses for the General Repository for Public Records; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of completing the Stylobate, &c. of the Nelson Column in Trafalgar Square; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and thirty-six Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, Expenses in Payments to Engineers, and other Charges incurred in the Examination of a Plan and Estimate for the Main Drainage of London; and any Sum or Sums of Money not exceeding One hundred eleven thousand four hundred and twenty-nine Pounds, towards defraying the Expense of erecting a new Bridge at Westminster, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards completing, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Embankment Wall in Thames Street, for removing the dilapidated Hundred Steps, and forming a new

5,000*l.* for National Gallery, Dublin, and Abp. Marsh's Library;

1,000*l.* for new Museum, &c., Royal Dublin Society;

10,000*l.* for Industrial Museum, Edinburgh;

2,033*l.* for Antiquarian Museum, Edinburgh;

7,500*l.* for General Register House, Edinburgh;

200*l.* for Iron Presses for General Record Depository;

6,000*l.* for completing the Nelson Column;

8,836*l.* for Examination of Plans for Drainage of London;

111,429*l.* for Westminster Bridge;

1,500*l.* for Embankment, Approach to Castle, &c. Windsor;

Approach to the North Terrace, Windsor Castle, from Thames Street; and any Sum or Sums of Money not exceeding Seventy thousand Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of acquiring suitable Premises in Doctors Commons for the Court of Probate, the Principal Registry of the Court of Probate, Court of Admiralty, Registry of the Court of Admiralty, Court of Arches and Offices, and for Fittings, &c.; and any Sum or Sums of Money not exceeding Nineteen thousand two hundred and ninety-six Pounds for the Repairs and Restoration of the British Embassy House at Paris, and for additional Fittings and Furniture, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of enlarging and completing the new Consular Offices, the British Seamen's Hospital, with Surgeon's House, &c., and the Prison at Constantinople; and any Sum or Sums of Money not exceeding One thousand and ninety-two Pounds, for the Purchase, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of old Gun Metal to be employed in the Construction of a Statue of the late Sir Henry Havelock, and of a Monument to be erected at Woolwich to the Memory of Officers and Men of the Royal Artillery who fell during the late War with Russia; and any Sum or Sums of Money not exceeding Three thousand Pounds, to enable Her Majesty to contribute, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, towards reimbursing the Losses sustained by Major General Chesney in connexion with the Printing and Publication of the First Two Volumes of his "History of the Euphrates Expedition," and for his Labour in preparing Material for the Completion of the Work; and any Sum or Sums of Money not exceeding Five thousand Pounds, in aid of the Improvements to be carried out by the Trustees of Newhaven Harbour (Sussex) in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Cost of an Expedition for the Purpose of exploring the Region of British North America which lies along the Parallels of Forty-nine and Fifty-three Degrees North Latitude, and from One hundred to One hundred and fifteen Degrees West Longitude; and any Sum or Sums of Money not exceeding Six thousand four hundred and seventy-nine Pounds, to defray the Expenses of the General Board of Health to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds,

70,000*l.* for Premises in Doctors Com-

19,296*l.* for British Embassy House at Paris;

13,000*l.* for Consular Offices, &c. at Constantinople;

1,092*l.* for Purchase of old Gun Metal for Statues, &c.;

3,000*l.* for History of the Euphrates Expedition, by General Chesney;

5,000*l.* for Newhaven Harbour, Sussex;

1,500*l.* for exploring British North America;

6,479*l.* for General Board of Health;

20,000*l.* for Wellington Monument.

Pounds, for the Erection of a Monument to the late Duke of Wellington in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.

XXV. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts, of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

XXVI. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Nine million eight hundred thirty-nine thousand eight hundred and fifty-nine Pounds granted by this Act for Naval Services; and in the Sum of Four million seven thousand seven hundred and thirty-five Pounds granted by this Act for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad; and in the Sum of Eight million three thousand and ten Pounds granted by this Act for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this Act for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Nine million eight hundred thirty-nine thousand eight hundred and fifty-nine Pounds granted by this Act for Naval Services, or the aggregate Sum of Twelve million ten thousand seven hundred and forty-five Pounds for the respective Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons, with the Navy and Army Estimates for each Year, a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid, during the Year ended on the Thirty-first Day of December of the preceding Year, together

Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

Rules to be observed in the Application of the Sum appropriating Half Pay.

XXVII. And as to the Sum of Three hundred and ninety thousand Pounds, being the Proportion of the Sum of Five hundred thirty-one thousand two hundred and seven Pounds by this Act appropriated to the Pay of Reduced and Retired Officers which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay, (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received, that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas,

Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and fifty-eight, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same, for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and fifty-nine it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXIX. 'And whereas Chaplains of Regiments who have 'been placed upon Half Pay have not been allowed to receive 'such Half Pay in some Years in consequence of being in 'possession at the Time of certain Ecclesiastical Benefices or 'Preferments, though the same were not in the Patronage of 'the Crown: And whereas it has been judged fair and reason-'able that they should be allowed to receive such Half Pay, 'though in possession of Ecclesiastical Preferment, provided 'the same was private Patronage, and not derived from the 'Crown, and that they should be entitled to receive the 'Arrears of Half Pay for such former Years as aforesaid:' Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Widows, &c. claiming Pensions to make required Declaration.

XXX. And as to the Sum of Two hundred and eight thousand one hundred and thirty-two Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXXI. Any such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

CAP. CVIII.

An Act to amend the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five.

[2d *August* 1858.]

20 & 21 Vict. c. 85.

'WHEREAS in the last Session of Parliament an Act was passed, intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes in* England: And whereas it is expedient to amend the same:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Judge Ordinary of the Court for Divorce and Matrimonial Causes may sit in Chambers.

I. It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes for the Time being to sit in Chambers for the Despatch of such Part of the Business of the said Court as can in the Opinion of the said Judge Ordinary, with Advantage to the Suitors, be heard in Chambers; and such Sittings shall from Time to Time be appointed by the said Judge Ordinary.

II. The

The Treasury to cause Chambers to be provided.

II. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the said Judge Ordinary shall sit for the Despatch of such Business as aforesaid, and until such Chambers are provided the said Judge Ordinary shall sit in Chambers in any Room which he may find convenient for the Purpose.

Powers of Judge when sitting in Chambers.

III. The said Judge Ordinary when so sitting in Chambers shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

The Registrars to do all Acts heretofore done by Surrogates.

IV. The Registrars of the Principal Registry of the Court of Probate shall be invested with and shall and may exercise with reference to Proceedings in the Court for Divorce and Matrimonial Causes the same Power and Authority which Surrogates of the Official Principal of the Court of Arches could or might before the passing of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven, have exercised in Chambers with reference to Proceedings in that Court.

Evidence on which Divorce obtained prior to 20 & 21 Vict. c. 85. may be used in the Court for Divorce, &c.

V. In every Cause in which a Sentence of Divorce and Separation from Bed, Board, and mutual Cohabitation has been given by a competent Ecclesiastical Court before the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, came into operation, the Evidence in the Cause in which such Sentence was pronounced in such Ecclesiastical Court may, whenever from the Death of a Witness or from any other Cause it may appear to the Court reasonable and proper, be received on the hearing of any Petition which may be presented to the said Court for Divorce and Matrimonial Causes.

Wives deserted by their Husbands may apply to the Judge for an Order to protect Property &c. acquired by them.

VI. Every Wife deserted by her Husband, wheresoever resident in *England*, may, at any Time after such Desertion, apply to the said Judge Ordinary for an Order to protect any Money or Property in *England* she may have acquired or may acquire by her own lawful Industry, and any Property she may have become possessed of or may become possessed of after such Desertion, against her Husband and his Creditors, and any Person claiming under him; and the Judge Ordinary shall exercise in respect of every such Application all the Powers conferred upon the Court for Divorce and Matrimonial Causes under the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, Section Twenty-one.

Provisions respecting Property of Wife to extend to Property vested in her as Executrix, &c.

VII. The Provisions contained in this Act and in the said Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, respecting the Property of a Wife who has obtained a Decree for Judicial Separation or an Order for Protection, shall be deemed to extend to Property to which such Wife has become or shall become entitled as Executrix, Administratrix, or Trustee since the Sentence of Separation or the Commencement of the Desertion (as the Case may be); and the Death of the Testator or Intestate shall be deemed to be the Time when such Wife became entitled as Executrix or Administratrix.

VIII. In

VIII. In every Case in which a Wife shall under this Act or under the said Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, have obtained an Order to protect her Earnings or Property, or a Decree for Judicial Separation, such Order or Decree shall, until reversed or discharged, so far as necessary for the Protection of any Person or Corporation who shall deal with the Wife, be deemed valid and effectual; and no Discharge, Variation, or Reversal of such Order or Decree shall prejudice or affect any Rights or Remedies which any Person would have had in case the same had not been so reversed, varied, or discharged in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the making such Order or Decree and of the Discharge, Variation, or Reversal thereof; and Property of or to which the Wife is possessed or entitled for an Estate in Remainder or Reversion at the Date of the Desertion or Decree (as the Case may be) shall be deemed to be included in the Protection given by the Order or Decree.

Order for Protection of Earnings, &c. of Wife to be deemed valid.

IX. Every Order which shall be obtained by a Wife under the said Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, or under this Act, for the Protection of her Earnings or Property, shall state the Time at which the Desertion in consequence whereof the Order is made commenced; and the Order shall, as regards all Persons dealing with such Wife in reliance thereon, be conclusive as to the Time when such Desertion commenced.

Order to state the Time at which the Desertion commenced.

X. All Persons and Corporations who shall, in reliance on any such Order or Decree as aforesaid, make any Payment to, or permit any Transfer or Act to be made or done by, the Wife who has obtained the same, shall, notwithstanding such Order or Decree may then have been discharged, reversed, or varied, or the Separation of the Wife from her Husband may have ceased, or at some Time since the making of the Order or Decree been discontinued, be protected and indemnified in the same Way in all respects as if, at the Time of such Payment, Transfer, or other Act, such Order or Decree were valid and still subsisting without Variation in full Force and Effect, and the Separation of the Wife from her Husband had not ceased or been discontinued, unless at the Time of such Payment, Transfer, or other Act such Persons or Corporations had Notice of the Discharge, Reversal, or Variation of such Order or Decree, or of the Cessation or Discontinuance of such Separation.

Indemnity to Corporations, &c making Payments under Orders afterwards reversed.

XI. In all Cases now pending, or hereafter to be commenced in which, on the Petition of a Husband for a Divorce, the alleged Adulterer is made a Co-Respondent, or in which, on the Petition of a Wife, the Person with whom the Husband is alleged to have committed Adultery is made a Respondent, it shall be lawful for the Court, after the Close of the Evidence on the Part of the Petitioner, to direct such Co-Respondent or Respondent to be dismissed from the Suit, if it shall think there is not sufficient Evidence against him or her.

Where alleged Adulterer a Co-Respondent, Court may order him to be dismissed from the Suit.

XII. Registrars,

Persons who administer Oaths under 20 & 21 Vict. c. 77. to administer under 20 & 21 Vict. c. 85.

XII. Registrars, Surrogates, Commissioners for taking Oaths in the Court of Chancery, and all other Persons now or hereafter authorized to administer Oaths under the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven, or under this Act, shall have Power to administer Oaths under the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five.

Bills of Proctors, Attornies, &c. to be subject to Taxation.

XIII. The Bill of any Proctor, Attorney, or Solicitor, for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court for Divorce and Matrimonial Causes, and whether the same was transacted before the full Court or before the Judge Ordinary, shall, as well between Proctor or Attorney or Solicitor and Client, as between Party and Party, be subject to Taxation by any One of the Registrars belonging to the Principal Registry of the Court of Probate, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under the Act of the Twentieth and Twenty-first of *Victoria*, Chapter Eighty-five, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Power to enforce Decree as to Costs.

XIV. The Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Registrars of the Principal Registry of the Court of Probate, shall respectively, in any Case where an Ecclesiastical Court having Matrimonial Jurisdiction had, previously to the Commencement of the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, made any Order or Decree in respect of Costs, have the same Power of taxing such Costs, and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court for Divorce and Matrimonial Causes: Provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any Ecclesiastical Court previously to the Commencement of the said recited Act, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Court of Arches.

Judge to exercise Power and Authority over Proctors, &c.

XV. The Judge Ordinary of the Court for Divorce and Matrimonial Causes shall have and exercise, over Proctors, Solicitors, and Attornies practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or of Common Law over Persons practising therein as Proctors, Solicitors, or Attornies.

Commissioners may be appointed in the Isle of Man, &c.

XVI. It shall be lawful for the Judge Ordinary of the Court for Divorce and Matrimonial Causes to appoint, by Commission under Seal of the Court, any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, to administer Oaths, and to take Declarations or Affirmations, to be used in the said Court; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons

Persons performing the same Duties in the Court for Divorce and Matrimonial Causes may charge and take.

Appeal in Cases of Nullity of Marriage to lie to the House of Lords.

XVII. 'Whereas Doubts may be entertained whether the 'Right of Appeal given by the Act of the Twentieth and 'Twenty-first *Victoria*, Chapter Eighty-five, Section Fifty-six, 'extends to Sentences on Petitions for Nullity of Marriage:' Be it enacted and declared, That either Party dissatisfied with any such Sentence may appeal therefrom in the same Manner, within the same Time, and subject to the same Regulations as affect Appeals against Sentences on Petitions for the Dissolution of Marriage.

Judge Ordinary may grant Rule Nisi for new Trial, &c.

XVIII. Where any Trial shall have been had by a Jury before the full Court or before the Judge Ordinary, or upon any Issue directed by the full Court or by the Judge Ordinary, it shall be lawful for the Judge Ordinary, subject to any Rules to be hereafter made, to grant a Rule Nisi for a new Trial, but no such Rule shall be made absolute except by the full Court.

Recited Act as to Applications to Judges of Assize repealed.

XIX. So much of the Act of the Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, as authorizes Application to be made for Restitution of Conjugal Rights or for Judicial Separation by Petition to any Judge of Assize, and as relates to the Proceedings on such Petition, shall be and the same is hereby repealed.

Affidavits before whom to be sworn when Parties making them reside in Foreign Parts.

XX. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court for Divorce and Matrimonial Causes from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of *George* the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth of *Victoria*, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath there.

Affidavits, before whom to be sworn.

XXI. Affidavits, Declarations, and Affirmations to be used in the Court for Divorce and Matrimonial Causes may be sworn and taken in *Scotland*, *Ireland*, the *Isle of Man*, the *Channel Islands*, or any Colony, Island, Plantation, or Place out of *England* under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the *Isle of Man* and the *Channel Islands*, before any Commissary, Ecclesiastical Judge, or Surrogate who at the Time of the passing of the Act of last Session, Chapter Seventy-seven, was authorized to administer Oaths in the *Isle of Man* or in the *Channel Islands* respectively; and all Registrars and other Officers of the Court for Divorce and Matrimonial Causes shall take Judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

XXII. If

Persons forging Seal or Signature guilty of Felony.

XXII. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed under the Provisions of the said Act of the Sixth of *George* the Fourth, or of the said Act of the Eighteenth and Nineteenth of *Victoria*, to any Affidavit, Declaration, or Affirmation to be used in the Court for Divorce and Matrimonial Causes, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony; and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate guilty of Perjury.

XXIII. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely, in any Affidavit or Deposition made under the Authority of this Act before any Surrogate having Authority to administer Oaths under the Act of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-seven, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the *Channel Islands*, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

CAP. CIX.

An Act to declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of *Wales* and Duke of *Cornwall* to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of *Cornwall*, and for other Purposes. [2d *August* 1858.]

Articles of Agreement, dated July 1, 1858.

'WHEREAS by Articles of Agreement made and entered
' into the First Day of *July* One thousand eight hundred
' and fifty-eight, between the Honourable *Charles Alexander*
' *Gore*,

'*Gore*, a Commissioner of Her Majesty's Woods, Forests, and 'Land Revenues, on behalf of the Queen's most Excellent 'Majesty, of the one Part, and His Royal Highness *Albert* '*Edward* Prince of *Wales* and Duke of *Cornwall* of the other 'Part, under the Privy Seal of His said Royal Highness in 'right of the Duchy of *Cornwall*, and the Hand and Seal of 'the said *Charles Alexander Gore*, reciting that Questions 'having arisen as to whether the Mines and Minerals lying 'under the Seashore between High and Low Water Marks 'within the County of *Cornwall*, and under the Estuaries and 'tidal Rivers within the same County, and under the open Sea 'below Low-water Mark, adjacent to but not in or Part of 'the same County, were respectively the Property of Her 'said Majesty the Queen in right of Her Crown or of His 'said Royal Highness *Albert Edward* Prince of *Wales* in right 'of His Duchy of *Cornwall*, Her Majesty's Government and 'the Council of the Duchy of *Cornwall* did refer such Questions 'to the Right Honourable Sir *John Patteson*, Knight, (late One 'of the Justices of Her Majesty's Court of Queen's Bench, and 'a Member of Her Majesty's most Honourable Privy Council,) 'for his Consideration and Decision, by a Letter of Reference 'dated the Eighteenth Day of *February* One thousand eight 'hundred and fifty-six, signed by Lord *Cranworth*, Lord High 'Chancellor of *Great Britain*, and the Right Honourable '*Thomas Pemberton Leigh*, Chancellor of the Duchy of *Corn*-'*wall*, and set forth in the said Articles of Agreement; and 'reciting that the said Sir *John Patteson* having accepted and 'entered upon the said Reference, had considered and decided 'the said Questions as between Her Majesty on the one hand, 'and His Royal Highness the Prince of *Wales* and Duke of '*Cornwall* on the other hand, as follows; (that is to say,) first, 'that the Right to all Mines and Minerals lying under the 'Seashore between High and Low Water Marks within the 'said County of *Cornwall*, and under Estuaries and tidal '. Rivers and other Places even below Low-water Mark, being 'in and Part of the said County, is vested in His Royal 'Highness as Part of the Soil and territorial Possessions of 'the Duchy of *Cornwall*; secondly, that the Right to all Mines 'and Minerals lying below Low-water Mark under the open 'Sea, adjacent to but not being Part of the County of *Cornwall*, 'is vested in Her Majesty the Queen in right of Her Crown '(although such Minerals may or might be won by Workings 'commenced above Low-water Mark and extended below it); 'and reciting that it was intended that a Bill should be sub-'mitted to Parliament for the Purpose of obtaining the Sanction 'and Ratification by the Legislature of the said Reference and 'Award; and reciting that upon the Suggestion and Recom-'mendation of the said Sir *John Patteson* it had been agreed 'that Provision should be made by the said Bill for the Pur-'pose of giving to Her Majesty the Queen, and all and every 'Persons and Person who might for the Time being be entitled

'under or in right of the Crown to or to the Management 'of any of the said Mines and Minerals under the open Sea, 'and Her and their Lessees and Tenants, such Facilities to 'work, win, and get the same as therein-after mentioned, upon 'the Terms and Conditions therein-after also mentioned, it 'was by the Agreement now in recital witnessed, agreed, and 'declared, by and between the said Parties thereto, that a 'Bill should be forthwith submitted to Parliament for the 'Ratification and Confirmation of the said Reference to Sir '*John Patteson* and his Award thereon; and it was thereby 'further agreed and declared, that in the said proposed Bill 'there should be contained the several Provisions specified in 'the said Articles of Agreement, and which are intended to be 'included among the Enactments herein-after contained: And 'whereas the said Reference did not apply or extend to the 'Mines and Minerals in or under Estates belonging to Her 'said Majesty in right of Her Crown in the County of '*Cornwall* situate above High-water Mark, or to Mines and 'Minerals in or under Land below High-water Mark, which 'is Part and Parcel of any Manor belonging to Her Majesty 'in right of Her Crown: And whereas the said Reference was 'not intended to apply to or affect any Claim or Title of any 'Person claiming any Mines or Minerals adversely, both to 'Her said Majesty in right of Her Crown, and to His said 'Royal Highness in right of His Duchy of *Cornwall*:' Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Minerals under the Seashore and other Places below High-water Mark in Cornwall are vested in His Royal Highness the Prince of Wales and Duke of Cornwall.

I. All Mines and Minerals lying under the Seashore between High and Low Water Marks within the said County of *Cornwall*, and under Estuaries and tidal Rivers and other Places (below High-water Mark), even below Low-water Mark, being in and Part of the said County, are, as between the Queen's Majesty in right of Her Crown on the one hand, and His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of His Duchy of *Cornwall* on the other hand, vested in His said Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of the Duchy of *Cornwall* as Part of the Soil and territorial Possessions of the said Duchy; but this Declaration is not to extend to the Mines and Minerals in or under Land below High-water Mark which is Part and Parcel of any Manor belonging to Her Majesty in right of Her Crown.

All Minerals below Low-water Mark adjacent to the County of Cornwall are vested in the Queen in right of Her Crown.

II. All Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of *Cornwall*, are, as between the Queen's Majesty in right of Her Crown on the one hand, and His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of His Duchy of *Cornwall* on the other hand, vested in Her Majesty the Queen in right of Her Crown as Part of the Soil and territorial Possessions of the Crown.

III. It

III. It shall be lawful at all Times hereafter for Her Majesty, Her Heirs and Successors, and all and every Persons and Person who may for the Time being be entitled in right of the Crown to or to the Management of any of the said Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of *Cornwall* aforesaid, and for Her and their Lessees or Tenants, when and so often and so long as may be necessary for the Purposes herein-after expressed, to take or use or to pass through, over, or under any Lands for the Time being Parcel of the Soil and territorial Possessions of the said Duchy within the said County, and which Lands shall be either in the Occupation of Tenants under Leases or Agreements made subsequently to the Date of this Act, or in the Occupation of the Duke of *Cornwall* for the Time being, in order to make or sink any Pits, Shafts, Adits, Drifts, Levels, Drains, Watercourses, Pools, or Embankments, and to make, lay, place, use, and repair any Spoil Banks, Roads, Ways, Bridges, and Banks, and to make, erect, and repair any Lodges, Sheds, Steam and other Engines, Buildings, Works, and Machinery in, under, upon, through, over, or along the said Lands, or any Part thereof, which may from Time to Time or at any Time hereafter be required, and to do all such other Acts as may be necessary or convenient for working, searching for, digging, raising, or carrying away, dressing, or making merchantable the same Mines and Minerals, giving to the Duke of *Cornwall* for the Time being, and to any other Person or Persons who for the Time being may be interested in the Land so required, Two Months previous Notice thereof, stating the Nature of the Facilities required, and also making Compensation and Satisfaction to the Duke of *Cornwall* for the Time being, and to other the Person or Persons, if any, for the Time being interested in the said Lands so taken or used or passed through, over, under, or along in the Manner herein mentioned: Provided always, that no Pit, Shaft, Adit, Drift, Level, Drain, Watercourse, Pool, or Embankment which shall or may weaken, damage, injure, or endanger any House or other Building, shall be sunk, driven, or made, nor shall any Tramroad, Waggon, or other Way, or any Works or Machinery, be placed, laid, made, or erected, nor shall any Minerals be dressed or made merchantable within Fifty Feet of any Dwelling House, or upon any Garden or Orchard, or so as to interfere with any Mining Works or Operations for the Time being of the Duke of *Cornwall* for the Time being, His Lessees or Tenants.

Her Majesty and Her Lessees to have Liberty to work such Minerals through the Lands of the Duchy

IV. Provided also, That Her Majesty, Her Heirs or Successors, or other the Person or Persons making use of the said Facilities, or any of them, shall make to the Duke of *Cornwall* for the Time being, and other the Person or Persons, if any, for the Time being interested as aforesaid, Compensation and Satisfaction for such Facilities, and for any Damage or Injury occasioned thereby or consequent thereon, to be ascertained as herein-

Compensation to be made

herein-after provided; and further that Her Majesty, Her Heirs or Successors, or other the Person or Persons making use of the said Facilities, or any of them, do and shall make, erect, and keep good and sufficient Gates, Rails, Bars, or Posts in all Places where the same shall be necessary or proper, to shut up or enclose any Breach, Gateway, or Opening which shall be made from Time to Time in any of the Fences of the said Lands, and shall also make all Conveniences necessary and proper for the Convenience and Safety of the Owners or Occupiers for the Time being of the said Lands and other Lands adjoining thereto, and of the Public, in order to prevent any Damage or Inconvenience and Trespasses upon the same Lands, or any of them, by Cattle or other Animals.

Mode of ascertaining Compensation.

V. In all Cases where the said Facilities or any of them shall be used upon, through, over, under, or along Lands lying between High-water Mark and Low-water Mark Part of the Soil and territorial Possessions of the Duchy of *Cornwall*, the Compensation and Satisfaction to be made shall be a Sum equal to One Fifteenth Part of the nett Dues or Moneys to be from Time to Time received by Her Majesty, Her Heirs or Successors, from the Mines and Minerals lying below Low-water Mark as aforesaid, which shall be worked and gotten by means of the said Facilities, or any of them, in addition to Compensation and Satisfaction for or in respect of any Building, Wharf, or other artificial Structure on the said Lands which may be injuriously affected by the said Facilities being used upon, through, over, under, or along the same, such Compensation and Satisfaction to be settled in the same Manner as the Compensation and Satisfaction herein-after provided for; and that when the said Facilities or any of them shall be used on, through, over, under, or along any Land other than Lands lying between High-water Mark and Low-water Mark as aforesaid, if the Amount of Compensation and Satisfaction to be made for the same shall not be determined by Agreement, then and in every such Case the Matter in difference shall be settled by Arbitration by Two Arbitrators, One Arbitrator to be named by the Officer for the Time being having the Management of the Land Revenues of the Crown in *Cornwall*, and another Arbitrator to be named by the Duke of *Cornwall* for the Time being, or by the Council of the Duchy for the Time being, or by other the Person or Persons, if any, for the Time being interested in the said Lands so to be used as aforesaid, and the Matter in difference shall be determined by the said Arbitrators, or by an Umpire to be appointed by them before they shall enter upon the Reference; and if such Arbitrators or either of them, or such Umpire, shall die or refuse or for Seven Days neglect to act, other Persons or another Person shall forthwith be named or appointed to supply the Places or Place of the Persons or Person so dying or refusing or neglecting to act, in the same Manner as such last-mentioned Persons or Person were or was named or appointed; and further,

further, the said Arbitrators or Umpire shall determine by whom and how the Costs of the Reference and Award or Umpirage shall in each Case be paid, and they or he may call for any Documents in the Possession or Power of either of the Parties which may be deemed necessary for determining the Matter in difference, and may summon and examine upon Oath any Witness, and administer the Oath for that Purpose.

Her Majesty not to be liable for any Damage done by Her Lessees.

VI. Provided always, That Her Majesty, Her Heirs or Successors, shall not be liable to the Payment of Compensation for any Damage done by any Lessee or other Person in or about any searching or working for Mines or Minerals under the Authority of this Act, but that such Compensation shall be payable and paid by the Lessee or other Person committing such Damage, his Heirs, Executors, or Administrators.

Lines of High and Low Water Mark to be settled by Arbitration in case of Difference.

VII. In case any Difference shall at any Time arise as between the Queen's Majesty in right of Her Crown, or any of Her Tenants under Leases or Agreements made subsequently to the passing of this Act on the one hand, and the Duke of *Cornwall* or any of his Tenants, under Leases or Agreements made subsequently to the passing of this Act, on the other hand, as to the true Line of High-water Mark or of Low-water Mark, every such Difference shall be settled by Arbitration or Umpirage, in the same Manner and subject to the same Conditions in all respects as is by this Act provided for the Ascertainment in certain Cases of the Compensation and Satisfaction to be made for the Exercise of the Facilities by this Act conferred with reference to the working of Mines and Minerals below Low-water Mark adjacent to the County of *Cornwall.*

Interpretation of Terms.

VIII. In this Act the following Expressions and Words shall have the several Meanings hereby assigned to them, unless there is something in the Context repugnant to such Construction; the Expressions "Duke of *Cornwall*" and "Duke of *Cornwall* for the Time being" shall comprehend the Personage for the Time being entitled to the Revenues of the Duchy of *Cornwall,* and shall include Her Majesty, Her Heirs and Successors, when there may be no Duke of *Cornwall;* the Expression "Mines and Minerals" shall comprehend all Mines and Minerals, and all Quarries, Veins, or Beds of Stone, and all Substrata of any other Nature whatsoever, and the Ground and Soil in, upon, and under which such Mines and Minerals, Quarries, Veins, or Beds of Stone, and other Substrata lie; and the Words "the County of *Cornwall*" shall mean the said County exclusive of any Lands added thereto or taken therefrom by an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Sixty-one.

General Saving of Rights.

IX. Saving always to all and every Persons or Person, Bodies Politic or Corporate, and their respective Heirs, Successors, Executors, Administrators, and Assigns, (other than and except Her said Majesty, Her Heirs and Successors, in right of the Crown, and His said Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall,* and His

Successors, in right of the Duchy of *Cornwall* aforesaid, and all and every the Person or Persons, Bodies Politic or Corporate, claiming or to claim under or by virtue of any Grant, Lease, Agreement, or Assurance made or entered into by Her said Majesty, Her Heirs or Successors, in right of the Crown, or His said Royal Highness, or His Successors, in right of the Duchy of *Cornwall* aforesaid, or the Council of the Duchy of *Cornwall*, at any Time or Times subsequent to the passing of this Act, all such Estates, Rights, Titles, Claims, and Demands whatsoever as they or any of them had previous to the passing of this Act, or might or could have had in case this Act had not been passed.

Short Title.

X. In citing this Act in any Act of Parliament, Deed, or other legal Instrument, it shall be sufficient to refer to it as "The *Cornwall* Submarine Mines Act, 1858."

CAP. CX.

An Act to extend the Act of the Twenty-fourth Year of King *George* the Third, Chapter Twenty-six, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment.

[2d *August* 1858.]

'WHEREAS Provision is made by the Twenty-fourth of 'George the Third, Chapter Twenty-six, for the issuing 'of Writs by Warrant of the Speaker of the House of Commons 'during any Recess of the said House, whether by Prorogation 'or Adjournment: And whereas the said Act has been found 'advantageous to the Public, by causing speedy Elections, 'and it is expedient that the Provisions thereof be further 'extended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Speaker to issue Warrants for making out new Writs in the Room of Members accepting certain Offices.

I. From and after the passing of this Act, it shall and may be lawful for the Speaker of the House of Commons for the Time being, during any Recess of the House as aforesaid, to issue his Warrant to the Clerk of the Crown to make out a new Writ for Election of a Member of the House in the Room of any Member who has, since such Adjournment or Prorogation, accepted any Office whereby he has, either by the express Provision of any Act of Parliament or by any previous Determination of the House of Commons, vacated his Seat in the House of Commons, so soon as he shall have been gazetted thereto in any of the Queen's Gazettes, and a Notice thereof, together with a Copy of the Gazette, shall have been sent to the Speaker by a Certificate under the Hands of Two Members of the House of Commons, according to the Form in the Schedule to this Act annexed, or to the like Effect.

II. Pro-

II. Provided always, That any Member of the House of Commons accepting any such Office as aforesaid shall forthwith notify his Acceptance thereof to the Speaker, either by Writing under the Hand of such Member or by his countersigning the said Certificate relating to such Acceptance, and the Speaker shall not issue his Warrant in pursuance of this Act without having received such Notification, and until Fourteen Days after he shall have caused Notice of his having received such Certificate and Notification to be inserted in the *London Gazette.*

Members accepting Office to notify the same to the Speaker.

III. Provided always, That in any Case in which it shall appear to the Speaker to be doubtful whether the Acceptance of any Office which has been certified to him as aforesaid has the Effect of vacating the Seat of the Person so appointed, it shall be lawful for the said Speaker, instead of issuing his Warrant in pursuance of this Act, to reserve such Question for the Decision of the House.

If Case appears to the Speaker doubtful, Warrant not to issue.

IV. Provided always, That this Act shall not in any way apply to the Acceptance of any of the following Offices; that is to say, the Office of Steward or Bailiff of Her Majesty's Three Chiltern Hundreds of *Stoke, Desborough,* and *Bonenham,* or of the Manor of *East Hendred,* or of the Manor of *Northstead,* or of the Manor of *Hempholme,* or of Escheator of *Munster.*

Act not to apply to certain Offices.

V. All the other Provisions of the said recited Act shall be applicable to the Cases provided for in this Act.

24 G. 3. c. 26. to apply to this Act.

VI. This Act may be cited as the "Election of Members during Recess Act, 1858."

Short Title.

SCHEDULE.

We, whose Names are underwritten, being Two Members of the House of Commons, do hereby certify that *M.P.*, late a Member of the said House, serving as One of the Knights of the Shire for the County of [*or as the Case may be*], has accepted the Office of Member of the Council for India [*or as the Case may be*], and has been gazetted thereto in the Gazette, dated the Day of , and has thereby vacated his Seat; and we give you this Notice, to the Intent that you may issue your Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Knight to serve in Parliament for the said County of [*or as the Case may be*], in the Room of the said *M.P.*

Given under our Hands, this Day of

A.B.
C.D.

To the Speaker of the House of Commons.

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TO THE

PUBLIC GENERAL ACTS,

21° & 22° VICTORIÆ,

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S. - - - Scotland.
I. - - - Ireland.
E. & I. - - - England and Ireland.
G.B. - - - Great Britain.
G.B. & I. - - Great Britain and Ireland.
U.K. - - - The whole of the United Kingdom.

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ASSISTANT BARRISTERS; to amend the Act 14 & 15 Vict. c. 57., and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors	88.	I.
ASYLUMS FOR LUNATICS; to amend the Act 20 & 21 Vict. c. 71. for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums	89.	S.

B.

BALLOTS FOR THE MILITIA; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - -	39.	G.B. & I.
BANK ISSUES INDEMNITY; to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues for a Time to be limited - - - -	1.	E.
BANKERS DRAFTS OR CHEQUES; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money - - -	20.	G.B. & I.
——— to amend the Law relating to - -	79.	G.B. & I.
BANKING COMPANIES; to amend the Joint Stock Banking Companies Act, 1857 - - -	60.	G.B. & I.
——— to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability - - - -	91.	G.B. & I.
BARRELS, BRANDING OF; to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries in Scotland - - -	69.	S.
BASTARDY RETURNS; to repeal certain Enactments requiring Returns to be made to Secretary of State	67.	E.
BIRTHS, REGISTRATION OF; to amend the Act 7 W. 4. & 1 Vict. c. 22., for registering Births, Deaths, and Marriages - - - - -	25.	E.
BISHOPRICK OF DURHAM; to amend the Provisions of the Act 6 & 7 W. 4. c. 19. for separating the Palatine Jurisdiction of the County Palatine from the Bishoprick of Durham - - - -	45.	E.
BISHOPS TRUSTS SUBSTITUTION; to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [for charitable or public Purposes] - -	71.	E.
BOMBAY, CHIEF JUSTICE OF; to make valid certain Acts of the late Chief Justice of Bombay [Sir W. Yardley, Knight] - - - -	32.	U.K.

	Cap.	Relating to
BRANDING OF BARRELS, under the Acts concerning the Herring Fisheries in Scotland, imposing Fees on	69.	S.
BRIDGES. *See* CHELSEA BRIDGE. PORTUMNA BRIDGE.		
BRISTOL, for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of Saint Nicholas and Saint Leonard in the City of - - - -	31.	E.
——— for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of - - - -	30.	E.
BRITISH COLUMBIA, to provide for the Government of	99.	U.K.
BURGHS, to amend the Act 20 & 21 Vict. c. 72., to render more effectual the Police in - - -	65.	S.

C.

CAMBRIDGE UNIVERSITY; to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, &c., Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees under proper Reservations and Restrictions - -	44.	E.
——— to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge - - - - -	11.	E.
CANAL COMPANIES; to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - - - - -	75.	G.B. & I.
CATTLE, DISEASES AMONG; to continue certain Acts [11 & 12 Vict. c. 107., 16 & 17 Vict. c. 62., and 19 & 20 Vict. c. 101.], to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals - - -	62.	U.K.
CHANCERY; to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster - - -	27.	E. & I.
CHAPELS, &c.; further to amend the Law relating to the Erection and Endowment of Churches, Chapels, &c. - - - - - -	59.	I.
CHARITABLE TRUSTS; further to continue the Exemption of certain Charities [Roman Catholic Charities] from the Operation of the Charitable Trusts Acts - -	51.	E.
——— to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts - - -	71.	E.

	Cap.	Relating to
CHARITY COMMISSIONERS, for confirming a Scheme of the, for Sir Eliab Harvey's Charity in the Town of Folkestone - - -	29.	E.
——— for confirming a Scheme of the, for certain Municipal Charities in the City of Bristol -	30.	E.
——— for confirming a Scheme of the, for certain Charities in the Parishes of Saint Nicholas and Saint Leonard Bristol - • -	31.	E.
——— for confirming a Scheme of the, for Cowley's Charity in the Parish of Swineshead (Lincoln) - - - - -	81.	E.
CHEAP TRAINS, to amend the Law relating to; and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies -	75.	G.B. & I.
CHELSEA BRIDGE; to amend the Act 9 & 10 Vict. c. 39., and to abolish Foot Passenger Tolls on Chelsea Bridge after Payment of the Sum of 80,000*l.* and Interest - - - - -	66.	E.
CHELSEA HOSPITAL, &c.; to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital -	21.	E.
——— to effect an Exchange between the Commissioners of the Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster - - - - -	18.	E.
CHEQUES ON BANKERS; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money - - - - -	20.	G.B. & I.
——— to amend the Law relating to Cheques or Drafts on Bankers - - -	79.	G.B. & I.
CHURCHES, CHAPELS, &c.; further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in Ireland - - - - - -	59.	I.
CIVIL BILLS; to amend the Act 14 & 15 Vict. c. 57. to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, &c. - - - - - -	88.	I.
CLERK OF NISI PRIUS; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court, &c. -	52.	I.
CLERK OF PETTY SESSIONS, to regulate the Office of -	100.	I.
CLERK OF THE PEACE, to provide for the Conveyance of County Property to - - - - -	92.	E.
CHIEF JUSTICE OF BOMBAY; to make valid certain Acts of the late Chief Justice of Bombay [Sir W. Yardley, Knight] - - - - -	32.	U.K.
COLLEGES. *See* UNIVERSITIES.		

	Cap.	Relating to
COLUMBIA, BRITISH; to provide for the Government of British Columbia - - - -	99.	U.K.
COMMISSIONERS OF CHELSEA HOSPITAL. *See* CHELSEA HOSPITAL.		
COMMISSIONERS OF WORKS. *See* CHELSEA BRIDGE. DUBLIN. EDINBURGH.		
COMMISSIONERS FOR THE EXHIBITION OF 1851; for releasing the Lands of the Commissioners, upon the Repayment of Monies granted in aid of their Funds - - - - - -	36.	E.
COMMITTEES OF HOUSES OF PARLIAMENT enabled to administer Oaths to Witnesses in certain Cases -	78.	G.B. & I.
COMMONS HOUSE OF PARLIAMENT, to extend the Act 24 Geo. 3. c. 26., for issuing Writs during any Prorogation of - - - - -	110.	G.B. & I.
COMMONS INCLOSURE, to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - -	8.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales - - - - -	61.	E.
——— to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault (Essex) - -	37.	E.
CONFIRMATION OF EXECUTORS, &c., to amend the Law relating to, in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation - - - - -	56.	G.B. & I.
CONSOLIDATED FUND, to apply the Sum of 10,000,000*l.* out of, to the Service of the Year 1858	5.	U.K.
——— to apply the Sum of 500,000*l.* out of, to the Service of the Year ending 31st March 1858 - - - - -	6.	U.K.
——— to apply the Sum of 11,000,000*l.* out of, to the Service of the Year 1858 - - -	17.	U.K.
——— to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1858, and to appropriate the Supplies granted in this Session of Parliament - - -	107.	U.K.
——— to repeal certain Provisions [of 18 & 19 Vict. c. 18. and 19 & 20 Vict. cc. 6. 21.] for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt - - - - -	38.	U.K.
CONSOLIDATED NISI PRIUS COURT; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court in Ireland, &c. - - - -	52.	I.

	Cap.	Relating to
CONTAGIOUS DISEASES PREVENTION; to continue certain Acts [11 & 12 Vict. c. 107., 16 & 17 Vict. c. 62., and 19 & 20 Vict. c. 101.] to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals -	62.	U.K.
CONVENTION with the Emperor of the French relative to Portendic and Albreda, to remove Doubts as to the Operation of - - - - -	35.	U.K.
CONVEYANCE OF COUNTY PROPERTY to the Clerk of the Peace, to provide for - - - -	92.	E.
COPYHOLD ACTS; to amend the Copyhold Acts [4 & 5 Vict. c. 35., 6 & 7 Vict. c. 23., 7 & 8 Vict. c. 55., 15 & 16 Vict. c. 51., and 16 & 17 Vict. c. 57.] -	94.	E.
COPYHOLD AND INCLOSURE COMMISSIONS, &c.; to continue Appointments under the Act 14 & 15 Vict. c. 53. for consolidating the Copyhold and Inclosure Commissions - - - - -	53.	E.
COPYRIGHT OF DESIGNS; to amend the Act 5 & 6 Vict. c. 100., to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture - -	70.	U.K.
CORNWALL SUBMARINE MINES; to declare and define the respective Rights of Her Majesty and of the Prince of Wales and Duke of Cornwall to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of Cornwall - - - -	109.	E.
CORRUPT PRACTICES PREVENTION; to continue and amend the Corrupt Practices Prevention Act, 1854 [17 & 18 Vict. c. 102.] - - -	87.	G.B. & I.
COUNTIES; to amend the Law concerning detached Parts of Counties - - - - -	68.	E.
COUNTIES AND BURGHS; to amend the Act 20 & 21 Vict. c. 72. to render more effectual the Police in -	65.	S.
COUNTY COURT DISTRICTS, for the Re-arrangement of, among the Judges thereof - - -	74.	E.
COUNTY MANAGEMENT; for the better Management of County Rates - - - - -	33.	E.
COUNTY PROPERTY, to provide for the Conveyance of, to the Clerk of the Peace - - -	92.	E.
COURT FOR DIVORCE AND MATRIMONIAL CAUSES; to amend the Act 20 & 21 Vict. c. 85. - -	108.	E.
COURT OF PROBATE; to amend 20 & 21 Vict. c. 77. -	95.	E.
COWLEY'S CHARITY; for confirming a Scheme of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead (Lincoln) - -	81.	E.
CUSTOMS, for the Alteration of certain Duties of -	12.	U.K.
——— for further Amendment of the Duties of [Spirits, &c.] - - - - -	16.	U.K.

D.

	Cap.	Relating to
DEATHS, REGISTRATION OF; to amend the Act 3 & 4 Vict. c. 92., concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85., 86., and 7 W. 4. & 1 Vict. c. 22., for Marriages, and for registering Births, Deaths, and Marriages -	25.	E.
DECLARATION OF LEGITIMACY; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects - - - - -	93.	G.B. & I.
DEGREES, UNIVERSITY, to repeal the Stamp Duties paid on, in Cambridge University - -	11.	E.
DESERTION. *See* MUTINY.		
DESIGNS, COPYRIGHT OF; to amend the Act 5 & 6 Vict. c. 100. to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture - - -	70.	U.K.
DETACHED PARTS OF COUNTIES, to amend the Law concerning - - - - -	68.	E.
DISEASES AMONG CATTLE, to continue 11 & 12 Vict. c. 10., 16 & 17 Vict. c. 62., and 19 & 20 Vict. c. 101., to prevent the spreading of - -	62.	U.K.
DISTRICTS OF THE COUNTY COURTS; for the Rearrangement of Courts among the Judges -	74.	E.
DIVORCE AND MATRIMONIAL CAUSES; to amend the Act 20 & 21 Vict. c. 85. - - - -	108.	E.
DRAFTS ON BANKERS, &c.; for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money - - - -	20.	G.B. & I.
——— to amend the Law relating to Cheques or Drafts on Bankers - - -	79.	G.B. & I.
DRAINAGE OF THE METROPOLIS, extending the Powers of the Metropolitan Board of Works for the -	104.	E.
DUBLIN; for enabling the Commissioners of Public Works in Ireland to acquire certain Lands for the Site of new Courts and Buildings, in extension of the Four Courts, Dublin - - - -	84.	I.
DURHAM, COUNTY PALATINE JURISDICTION, to amend the Provisions of the Act 6 & 7 W. 4. c. 19., for separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham - - - - - -	45.	E.
DURHAM UNIVERSITY; to give Power to the University of Durham to sell, enfranchise, and exchange Lands, &c., and also to grant Leases for Agricultural, Building, and Mining Purposes, &c. - -	44.	E.
DUTIES. *See* CUSTOMS. EXCISE. STAMP DUTIES.		

E.

	Cap.	Relating to
EAST INDIES; for the better Government of India	106.	U.K.
——— for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India -	3.	U.K.
——— to make valid certain Acts of the late Chief Justice of Bombay [Sir W. Yardley] -	32.	U.K.
——— to settle Annuities on Lady Havelock and Sir Henry Marshman Havelock, in consideration of the eminent Services of the late Major General Havelock - - -	2.	U.K.
ECCLESIASTICAL CORPORATIONS; to amend the Act 5 & 6 Victt. c. 108., for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years - - - -	57.	E.
ECCLESIASTICAL JURISDICTION, to continue certain temporary Provisions [in 10 & 11 Vict. c. 98.] concerning - - - - -	50.	E.
EDINBURGH; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, and adjacent Property, for the Erection of a new General Post Office, &c.	40.	S.
EDINBURGH UNIVERSITY, for the better Government and Discipline of - - - -	83.	S.
ELECTIONS, PARLIAMENTARY; to continue and amend the Corrupt Practices Prevention Act, 1854 [17 & 18 Vict. c. 102.] - - - - -	87.	G.B. & I.
EMBODIMENT OF THE MILITIA; to continue the Act 20 & 21 Vict. c. 82. authorizing the embodying of the Militia - - - - -	4. 86.	G.B. & I.
ERECTION AND ENDOWMENT OF CHURCHES, &c., further to amend the Law relating to - - -	59.	I.
ESTATES, INCUMBERED; to amend "The West Indian Incumbered Estates Act, 1854." [17 & 18 Vict. c. 117.] - - - - -	96.	U.K.
ESTATES, SETTLED; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120.] -	77.	E. & I.
ETON COLLEGE, to give Power to, to sell, enfranchise, and exchange Lands, and to grant Leases, &c. -	44.	E.
EXCHANGE OF LANDS; to effect an Exchange of Lands between the Commissioners of Chelsea Hospital and the Chelsea Waterworks Company - -	18.	E.
EXCHEQUER BILLS AND BONDS; for raising the Sum of 20,911,500*l.* by Exchequer Bills, for the Service of the Year 1858 - - - -	13.	U.K
——— for raising the Sum of 2,000,000*l.* by Exchequer Bonds - - - - -	14.	U.K.
EXCISE, for granting certain additional Rates and Duties of - - - - - -	15.	U.K.

	Cap.	Relating to
EXECUTORS, &c.; to amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation - - - -	56.	G.B. & I
EXHIBITION OF 1851; for releasing the Lands of the Commissioners, upon the Repayment of Monies granted in aid of their Funds - - -	36.	E.

F.

FALSE PRETENCES, to amend the Law of - - -	47.	G.B. & I.
FISHERIES (HERRING); to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries - - - -	69.	S.
FOLKESTONE, for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity in the Town of - - - - - -	29.	E.
FOOT PASSENGERS TOLLS ON CHELSEA BRIDGE, to abolish, after Payment of the Sum of Eighty thousand Pounds - - - -	66.	E.
FOREST OF HAINAULT, to provide for the Allotment of the Commonable Lands within the Boundaries of the - - - - - -	37.	E.
FOUR COURTS, DUBLIN; for enabling the Commissioners of Public Works to acquire Lands for the Site of new Courts and Buildings in extension of the Four Courts, Dublin - - -	84.	I.
FRANCE; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Portendic and Albreda - - - - -	35.	U.K.
FRANCHISE, MUNICIPAL; to amend the Municipal Franchise in certain Cases - - -	43.	E.
FRANCHISE PRISONS, for the Abolition of - -	22.	E.
FRIENDLY SOCIETIES, to amend the Act 18 & 19 Vict. c. 63. relating to - - - - -	101.	G.B. & I.
FUNDED DEBT, REDUCTION OF; to repeal certain Provisions [18 & 19 Vict. c. 18. and 19 & 20 Vict. cc. 6. 21.] for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt - - - - - -	38.	U.K.

G.

GENERAL BOARD OF HEALTH; to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton (W. R. York) - - - - - - - -	10.	E.

	Cap.	Relating to
GENERAL BOARD OF HEALTH; to amend the Public Health Act, 1848, and to make further Provision for the Local Government of Towns and populous Districts - -	98.	E.
——— for vesting in the Privy Council certain Powers for the Protection of the Public Health - - - - -	97.	E.
GENERAL POST OFFICE, EDINBURGH; to confer Powers, on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office - - - - - -	40.	S.
GLASGOW UNIVERSITY, for the better Government and Discipline of, &c. - - - - -	83.	S.
GOVERNMENT OF BRITISH COLUMBIA, to provide for the	99.	U.K.
GOVERNMENT OF INDIA; for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India - - -	3.	U.K.
——— for the better Government of India - -	106.	U.K
GOVERNOR, &c. OF BANK OF ENGLAND. *See* BANK ISSUES INDEMNITY.		
GRANTS OF PROBATE AND ADMINISTRATION, to extend over the United Kingdom the Effect of - -	56.	G.B. & I.

H.

HAINAULT FOREST; to provide for the Allotment of the Commonable Lands within the Boundaries of	37.	E.
HARVEY'S CHARITY; for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity, Folkestone - - - -	29.	E.
HAVELOCK (LADY AND SIR H. M.); to settle Annuities on them, in consideration of the eminent Services of the late Major-General Havelock - -	2.	U.K.
HEALTH, PUBLIC. *See* GENERAL BOARD OF HEALTH.		
HERRING FISHERIES; to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries - - - - -	69.	S.
HIGH COURT OF CHANCERY; to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster -	27.	E & I.
HOUSE OF COMMONS; to extend the Act 24 Geo. 3. c. 20. for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment - - - - -	110.	G.B. & I.

I.

	Cap.	Relating to
INCLOSURE OF LANDS; to authorize the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners - -	8. 61.	E. E.
——— to continue Appointments under the Act 14 & 15 Vict. c. 53. for consolidating the Copyhold and Inclosure Commissions -	53.	E.
INCUMBERED ESTATES, WEST INDIES; to amend the West Indian Incumbered Estates Act, 1854 [17 & 18 Vict. c. 117.] - - - -	96.	U.K.
INDEMNITY; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - -	54.	G.B. & I.
——— to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues -	1.	E.
——— to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes - -	102.	U.K.
INDIA. *See* EAST INDIES. WEST INDIES.		
INSOLVENT DEBTORS; to amend the Act 14 & 15 Vict. c. 57. to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors	88.	I.
ISSUE OF BANK NOTES, to indemnify the Governor, &c. of Bank of England in respect of certain, &c. -	1.	E.

J.

JEWS; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion -	48.	G.B. & I.
——— to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion -	49.	G.B. & I.
JOINT STOCK COMPANIES; to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857	60.	G.B. & I.
——— to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability	91.	G.B. & I.
JUDGES OF THE COUNTY COURTS; for the Re-arrangement of the Districts of the County Courts among the Judges thereof - - - -	74.	E.
JUDGMENTS; to amend the Act 13 & 14 Vict. c. 2., to amend the Laws concerning Judgments in Ireland	105.	I.
JURA REGALIA OF COUNTY PALATINE OF DURHAM, to make further Provision with respect to -	45.	E.

	Cap.	Relating to
JURISDICTION, ECCLESIASTICAL; to continue certain temporary Provisions [in 10 & 11 Vict. c. 98.] concerning Ecclesiastical Jurisdiction - -	50.	E.
JUSTICES OF THE PEACE, to amend the Law concerning the Powers of, in certain Cases - - -	73.	E.
JUVENILE OFFENDERS, to promote and regulate Reformatory Schools for - -	103.	I.
——— to repeal certain Enactments requiring Returns relating to, to be made to Secretary of State - - - - -	67.	E.

L.

LANCASTER, COUNTY PALATINE OF; to amend the Course of Procedure in the Court of Chancery of the County Palatine of Lancaster - -	27.	E. & I.
LANDS—INCLOSURE, SALE, EXCHANGE, &c. OF; to authorize the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners - - - -	8. 61.	E. E.
——— to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault - -	37.	E.
——— to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital - - -	21.	E.
——— to effect an Exchange between the Commissioners of Chelsea Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster - - - -	18.	E.
——— to give to the Universities of Oxford, Cambridge, and Durham, &c. Power to sell, enfranchise, and exchange Lands, &c. -	44.	E.
——— to release the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds - - - - -	36.	E.
——— to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland - - - -	76.	S.
——— to facilitate the Sale and Transfer of Land in Ireland - - - - -	72.	I.
LEAD ORES, TITHE OF; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham) belonging to the respective Rectors thereof -	58.	E.

	Cap.	Relating to
LEASES BY ECCLESIASTICAL CORPORATIONS; to amend the Act 5 & 6 Vict. c. 108. for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years - -	57.	E.
LEASES AND SALES OF SETTLED ESTATES; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120.] - - - -	77.	E. & I.
LEGITIMACY DECLARATION; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects -	93.	G.B. & I.
LETTERS OF ADMINISTRATION; to amend the Act 20 & 21 Vict. c. 77. - - -	95.	E.
——— to extend over all Parts of the United Kingdom the Effect of Confirmation of Executors in Scotland and of Grants of Probate and Administration - -	56.	U.K.
LIMITED LIABILITY, to enable Joint Stock Banking Companies to be formed on the Principle of -	91.	G.B. & I.
LIMITED SERVICE ACT; to revive and continue the Act 18 & 19 Vict. c. 4. amending the Act for limiting the Time of Service in the Army -	55.	U.K.
LISTS AND BALLOTS FOR THE MILITIA; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - -	39.	G.B. & I.
LOAN SOCIETIES; to continue the Act 3 & 4 Vict. c. 110., to amend the Laws relating to Loan Societies -	19.	E.
LOANS FOR PUBLIC SERVICE. *See* EXCHEQUER BILLS AND BONDS.		
LOCAL GOVERNMENT; to amend the Public Health Act, 1848, [11 & 12 Vict. c. 63.] and to make further Provision for the Local Government of Towns and populous Districts - - -	98.	E.
LOCAL MANAGEMENT OF THE METROPOLIS; to alter and amend the Act 19 & 20 Vict. c. 120., and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis - -	104.	E.
LUNATICS; to amend the Act 20 & 21 Vict. c. 71. for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums - -	89.	S.

M.

MAGISTRATES, STIPENDIARY; to amend the Law concerning the Powers of - - - -	73.	E.
MAIN DRAINAGE OF THE METROPOLIS; to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c. - - -	104.	E.

	Cap	Relating to
MANUFACTURE, ARTICLES OF; to amend the Act 5 & 6 Vict. c. 100. to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting - - - - -	70.	U.K.
MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on shore - -	7.	U.K.
MARRIAGES; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects	93.	G.B. & I.
——— to remove Doubts as to the Validity of certain Marriages of British Subjects abroad [Moscow, Tahiti, and Ningpo]. - -	46.	U.K.
——— to amend the Act 3 & 4 Vict. c. 92. concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85., 86. and 7 W. 4. & 1 Vict. c. 22. for Marriages, and for registering Births, Deaths, and Marriages in England - -	25.	E.
MATRICULATION AND DEGREES, to repeal the Stamp Duties, payable on, in the University of Cambridge - - - - - -	11.	E.
MATRIMONIAL CAUSES, COURT FOR; to amend the Act 20 & 21 Vict. c. 85. - - - - - -	108.	E.
MEDICAL PRACTITIONERS; to regulate the Qualifications of Practitioners in Medicine and Surgery - -	90.	G.B. & I.
MEMBERS OF PARLIAMENT; to continue and amend the Corrupt Practices Prevention Act, 1854 [17 & 18 Vict. c. 102.] - -	87.	G.B. & I.
——— to abolish the Property Qualifications of -	26.	G.B. & I.
——— *See also*, JEWS. NEW WRITS.		
METROPOLIS LOCAL MANAGEMENT; to alter and amend the Metropolis Local Management Act, 1855, [19 & 20 Vict. c. 120.] and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis - - - -	104.	E.
MILITIA; to continue the Act 20 & 21 Vict. c. 82., for authorizing the Embodiment of the Militia - - - - - -	4. 86.	G.B. & I. G.B. & I.
——— to continue the Act 18 & 19 Vict. c. 1. to enable Her Majesty to accept the Services of the Militia out of the United Kingdom	85.	U.K.
——— to suspend the making of the Lists and of the Ballots for the Militia of the United Kingdom - - - -	39.	G.B. & I.
——— to defray the Charge of the Pay, Clothing, &c. of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, &c.; and to authorize the Employment of the Non-commissioned Officers - - - - -	82.	G.B. & I.

	Cap.	Relating to
MINES IN CORNWALL; to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water Mark within and adjacent to the County of Cornwall, &c. - - - - -	109.	E.
MOSCOW, TAHITI, AND NINGPO; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad - - - - -	46.	U.K.
MUNICIPAL CHARITIES, CITY OF BRISTOL, for confirming a Scheme of the Charity Commissioners for -	30.	E. I.
MUNICIPAL FRANCHISE; to amend the Municipal Franchise in certain Cases - - -	43.	E.
MUTINY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - -	9.	U.K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore - -	7.	U.K.

N.

NAVIGATION ADVANCES; to extend the Time for making Advances towards Navigations in Ireland under the Provisions of the Act 19 & 20 Vict. c. 62. - - - - -	41.	I.
NEW GENERAL POST OFFICE, EDINBURGH; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office - - - - - -	40.	S.
NEW WRITS; to extend the Act 24 Geo. 3. c. 26. for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment - - - - - -	110.	G.B. & I.
NINGPO, TAHITI, AND MOSCOW; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad - - - -	46.	U.K.
NISI PRIUS; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court - - -	52.	I.
NON-PAROCHIAL REGISTERS; to amend the Act 3 & 4 Vict. c. 92. concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85. 86. and 7 W. 4. & 1 Vict. c. 22. for Marriages, and for registering Births, Deaths, and Marriages in England -	25.	E.
NOTES OF BANK OF ENGLAND; to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues - - - -	1.	E.

O.

	Cap.	Relating to
OATHS; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases - - -	78.	G.B. & I.
——— to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion -	48.	G.B. & I.
OFFICERS IN THE MILITIA. *See* MILITIA.		
OFFICES AND EMPLOYMENTS, to indemnify such Persons as have omitted to qualify themselves for, and to extend the Time limited for those Purposes respectively - - - - - -	54.	G.B. & I.
OXFORD UNIVERSITY; to give to the Universities of Oxford, Cambridge, and Durham Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees, under proper Reservations and Restrictions - -	44.	E.

P.

PALATINE JURISDICTION (*Durham*); to amend the Provisions of 6 & 7 W. 4. c. 19., for separating the Palatine Jurisdiction from the Bishoprick of Durham - - - - - -	45.	E.
PARLIAMENT, HOUSES OF; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases - - -	78.	G.B. & I.
PARTS OF COUNTIES; to amend the Law concerning detached Parts of Counties - - -	68.	E.
PASSPORTS, to reduce the Stamp Duty on - - -	24.	G.B. & I.
PAY, &c. OF THE MILITIA; to defray the Charge of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - - - - -	82.	G.B. & I.
PEACE PRESERVATION; to continue the Peace Preservation (Ireland) Act, 1856 [19 & 20 Vict. c. 36] - - - - - - -	28.	I.
PERPETUAL CURACIES IN IRELAND, further to amend the Law relating to the Erection and Endowment of - - - - - - -	59.	I.
PETTY SESSIONS, to regulate the Office of Clerk of -	100.	I.
POLICE; to amend the Act 20 & 21 Vict. c. 72., to render more effectual the Police in Counties and Burghs - - - - - -	65.	S.
POLICE RETURNS; to repeal certain Enactments requiring Returns to be made to Secretary of State	67.	E.

	Cap.	Relating to
PORTENDIC AND ALBREDA; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to -	35.	U.K.
PORTUMNA BRIDGE; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna -	23.	I.
POST OFFICE, EDINBURGH; to confer Powers on the Commissioners of Works to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office - - - -	40.	S.
PRACTITIONERS IN MEDICINE, &c., to regulate the Qualifications of - - - -	90.	G.B & I.
PRESCRIPTION, for shortening the Time of, in certain Cases - - - - - -	42.	I
PRETENCES, FALSE; to amend the Law of False Pretences - - - - -	47.	G.B. & I.
PRINCE OF WALES; to define his Rights as to Mines and Minerals in or under Land below High-water Mark within and adjacent to the County of Cornwall -	109.	E.
PRISONS; to abolish Franchise Prisons - - -	22.	E.
——— to repeal certain Enactments requiring Returns [respecting Prisons] to be made to One of the Secretaries of State - -	67.	E.
PRIVY COUNCIL; for vesting in the Privy Council certain Powers for the Protection of the Public Health - - - - - -	97.	E.
PROBATES AND LETTERS OF ADMINISTRATION; to amend the Act 20 & 21 Vict. c. 77. -	95.	E.
——— to extend over all Parts of the United Kingdom the Effect of Confirmation of Executors, and of Grants of Probate and Administration - - - -	56.	G. B. & I.
PROCEDURE. *See* CHANCERY.		
PROPERTY QUALIFICATION; to abolish the Property Qualifications of Members of Parliament -	26.	G.B. & I.
PROVISIONAL ORDERS. *See* PUBLIC HEALTH. TURNPIKE TRUSTS.		
PUBLIC HEALTH; to confirm a certain Provisional Order of the General Board of Health, appplying the Public Health Act, 1848, to the District of Skipton (W. R. York.) -	10.	E.
——— to amend the Public Health Act, 1848, [11 & 12 Vict. c. 63.,] and to make further Provision for the Local Government of Towns and populous Districts - -	98.	E.
——— for vesting in the Privy Council certain Powers for the Protection of the Public Health -	97.	E.
PUBLIC WORKS. *See* DUBLIN. EDINBURGH.		
PURIFICATION OF THE THAMES, to extend the Powers of the Metropolitan Board of Works for the -	104.	E.

Q.

	Cap.	Relating to
QUALIFICATION OF MEDICAL PRACTITIONERS, for Regulation of - - - - - -	90	G.B. & I.
QUALIFICATION OF MEMBERS OF PARLIAMENT; to abolish the Property Qualifications of Members of Parliament - - - - - -	26.	G.B. & I.
QUALIFICATION FOR OFFICES AND EMPLOYMENTS, to indemnify Persons in respect of Omission of -	54.	G.B & I.

R.

RAILWAYS; to continue "The Railways Act (Ireland), 1851," [14 & 15 Vict. c. 70.] - -	34.	I.
——— to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - - -	75.	G.B. & I.
RATES. *See* COUNTY RATES. CUSTOMS. EXCISE. HIGHWAY RATES.		
REDUCTION of the FUNDED DEBT, to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the - - -	38	U.K.
REFORMATORY SCHOOLS; to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland - - - - - -	103.	I.
REGISTRATION of BIRTHS, &c.; to amend the Act 3 & 4 Vict. c. 92 concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85., 86. and 7 W. 4. & 1 Vict. c. 22. for Marriages, and for registering Births, Deaths, and Marriages -	25.	E.
RELIEF OF TURNPIKE TRUSTS. *See* TURNPIKE TRUSTS.		
RELIEF OF THE JEWS. *See* JEWS.		
RETURNS TO SECRETARY OF STATE; to repeal certain Enactments requiring Returns [respecting Prisons, Police, Bastardy, Juvenile Offenders] to be made to One of the Secretaries of State - -	67.	E.
ROMAN CATHOLIC CHARITIES; further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts - - -	51.	E.
ROYAL MARINES; for the Regulation of Her Majesty's Royal Marine Forces while on shore - -	7.	U.K.

S.

ST. ANDREW'S UNIVERSITY, for the better Government and Discipline of, &c. - - -	83.	S.
ST. GEORGE HANOVER SQUARE and ST MARGARET WESTMINSTER, to effect an Exchange between the Commissioners of Chelsea Hospital and the Chelsea Waterworks Company of Lands in the Parishes of - - - - - -	18.	E.

	Cap.	Relating to
ST. MARY OF WINCHESTER, to give Power to the College of, to sell, enfranchise, and exchange Lands, and also to grant certain Leases, &c. - -	44.	E.
ST. NICHOLAS AND ST. LEONARD, BRISTOL, for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of - -	31.	E.
SALE AND TRANSFER OF LAND; to facilitate the Sale and Transfer of Land - - - -	72.	I.
SALES OF SETTLED ESTATES; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120.] - - - - - - -	77.	E. & I.
SCHEMES OF THE CHARITY COMMISSIONERS. *See* CHARITY COMMISSIONERS.		
SCHOOLS, REFORMATORY; to promote and regulate Reformatory Schools for Juvenile Offenders -	103.	I.
SECRETARY OF STATE, RETURNS, &c.; to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State [relating to Prisons, Police, Bastardy, Juvenile Offenders] -	67.	E.
SERVICE IN THE ARMY; to revive and continue the Act 18 & 19 Vict. c. 4., amending the Act for limiting the Time of Service in the Army -	55.	U. K.
SETTLED ESTATES; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120.] -	77.	E. & I.
SHANNON RIVER; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna -	23.	I.
SHEEP, &c. CONTAGIOUS DISEASES PREVENTION; to continue certain Acts [11 & 12 Vict. c. 107., 16 & 17 Vict. c. 62., and 19 & 20 Vict. c. 101.] to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals	62.	U. K.
SKIPTON (*W. R. York*), &c., to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of - - - - -	10.	E.
SPIRITS, &c.; for the further Amendment of the Duties of Customs - - -	16.	U. K.
——— for granting certain additional Rates and Duties of Excise - - - -	15.	U. K.
STAMP DUTIES; to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge - - -	11.	E.
——— to reduce the Stamp Duty on Passports -	24.	G.B. & I.
——— for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money -	20.	G.B. & I.
STANHOPE AND WOLSINGHAM RECTORIES; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham) belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories - -	58.	E.

	Cap.	Relating to
STIPENDIARY MAGISTRATES; to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases -	73.	E.
SUBMARINE MINES in CORNWALL; to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water Mark within and adjacent to the County of Cornwall, &c. - - -	109.	E.
SUPERIOR COURTS, IRELAND. *See* NISI PRIUS.		
SUPREMACY, OATH OF; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration, &c. - - - - - -	48.	G.B. & I.
SUPPLIES, APPROPRIATION OF - - - -	107.	U. K.
SURGERY, PRACTITIONERS in, to regulate the Qualifications of - - - - -	90.	G.B. & I.
SUSPENSION OF THE MILITIA BALLOTS. *See* MILITIA.		
SWINESHEAD (*Lincoln*); for confirming a Scheme, as amended, of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead -	81.	E.

T.

TAHITI, MOSCOW, AND NINGPO; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad - - - - -	46.	U. K.
THAMES RIVER; to alter and amend the Metropolis Local Management Act, 19 & 20 Vict. c. 120, 1855, and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c. - - - - -	104.	E.
THEATRE ROYAL, EDINBURGH. *See* NEW GENERAL POST OFFICE, EDINBURGH.		
TIPSTAFFS, to make Provision for the Appointment of, in the Superior Courts in Ireland - -	52.	I.
TITHE COMMUTATION ACTS; to continue Appointments under the Act 14 & 15 Vict. c. 53. for completing Proceedings under the Tithe Commutation Act -	53.	E.
TITHE OR TENTH OF LEAD ORE. *See* STANHOPE AND WOLSINGHAM RECTORIES.		
TITLES TO LAND, to simplify the Forms and diminish the Expense of completing - -	76.	S.
TOLLS ON CHELSEA BRIDGE; to amend the Act 9 & 10 Vict. c. 39.; and to abolish Foot Passenger Tolls on Chelsea Bridge after Payment of the Sum of Eighty thousand Pounds and Interest - -	66.	E.
TOLLS ON PORTUMNA BRIDGE; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna - - - - -	23.	I.

	Cap.	Relating to
TOXTETH PARK (*Lancaster*), to further declare the Limits of the District of, for the Purposes of the Public Health Act, 1848 - - - -	10.	E.
TRAINS, RAILWAY; to amend the Law relating to Cheap Trains, &c. - - - - -	75.	G.B. & I.
TRANSFER OF LAND; to facilitate the Sale and Transfer of Land - - - - - -	72.	I.
TRUSTS, CHARITABLE; further to continue the Exemption of certain Charities [Roman Catholic Charities] from the Operation of the Charitable Trusts Acts - - - -	51.	E.
——— to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [Charitable Trusts] - - - - -	71.	E.
TURNPIKE TRUSTS, to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of - - - - -	80.	E.
——— to continue certain Turnpike Acts - -	63.	G.B.

U.

UNIVERSITIES; to make Provision for the better Government and Discipline of the Universities of Scotland [St. Andrew's, Glasgow, Aberdeen, and Edinburgh], and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen - - -	83.	S.
——— to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, and to the Colleges of Saint Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, Power to sell, enfranchise, and exchange Lands, &c. - - - -	44.	E.
——— to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge - - - - -	11.	E.

V.

VACCINATION, to amend the Act 16 & 17 Vict. c. 100 concerning - - - -	25.	E.
——— to make further Provision for the Practice of Vaccination in Ireland - - -	64.	I.

	Cap.	Relating to
VALIDITY OF MARRIAGES; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects - - - -	93.	G.B. & I.
——— to remove Doubts as to the Validity of certain Marriages of British Subjects abroad [Moscow, Tahiti, and Ningpo] - -	46.	U. K.

W.

WEST INDIES; to amend "The West Indian Incumbered Estates Act, 1854," [17 & 18 Vict. c. 117.]	96.	U.K.
WINCHESTER; to give Power to the College of Saint Mary at Winchester to sell, enfranchise, and exchange Lands, and also to grant certain Leases, &c. - - - - - -	44.	E.
WITNESSES, to enable the Committees of both Houses of Parliament to administer Oaths to in certain Cases - - - - - -	78.	G.B. & I.
WOLSINGHAM (*Durham*); for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories - - - - - -	58.	E.
WRITS; to extend the Act 24 Geo. 3. c. 26. for issuing Writs during any Recess of the House of Commons - - - - - -	110.	G.B. & I.

Y.

YARDLEY, SIR W.; to make valid certain Acts of the late Chief Justice of Bombay - - -	32.	U.K.

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